

Also, a bill (H. R. 16313) granting an increase of pension to James L. Davenport—to the Committee on Invalid Pensions.

By Mr. BOUTELL: A bill (H. R. 16314) granting an increase of pension to Richard S. Howarth—to the Committee on Invalid Pensions.

By Mr. DAHLE: A bill (H. R. 16315) granting a pension to Nels Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16316) to compensate Charles Kiepert for carrying mail on route No. 39212—to the Committee on Claims.

By Mr. DOUGLAS: A bill (H. R. 16317) granting an increase of pension to Sophie S. Shaffer—to the Committee on Invalid Pensions.

By Mr. GOOCH: A bill (H. R. 16318) granting an increase of pension to Jasper Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16319) granting an increase of pension to Henry Shonert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16320) to remove the charge of desertion against George Binger—to the Committee on Military Affairs.

By Mr. GROSVENOR: A bill (H. R. 16321) granting a pension to Michael Devine—to the Committee on Invalid Pensions.

By Mr. LONG: A bill (H. R. 16322) granting an increase of pension to George W. Thomas—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16323) granting an increase of pension to William Hoffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16324) granting an increase of pension to Charles Peach—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 16325) granting a pension to Joseph W. Baxter—to the Committee on Pensions.

By Mr. SNOOK: A bill (H. R. 16326) granting an increase of pension to Richard Young—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16327) granting a pension to Nancy Day—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURNETT: Paper to accompany House bill 15284, to correct the military record of Robert A. Godsey—to the Committee on Military Affairs.

By Mr. GOOCH: Petition of D. C. Points, committee for William Points, praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. LONG: Paper to accompany House bill granting an increase of pension to George W. Thomas—to the Committee on Invalid Pensions.

By Mr. MORGAN: Papers to accompany House bill granting an increase of pension to Charles Peach—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of Paul Klinkenberg, of Kendallville, Ind., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SHAFROTH: Petition of the Colorado Medical Society, favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes—to the Committee on the Judiciary.

By Mr. SNOOK: Paper to accompany House bill granting an increase of pension to Richard Young, of Kileville, Ohio—to the Committee on Invalid Pensions.

By Mr. STEWART of New York: Paper to accompany House bill 15687, granting an increase of pension to James H. Townsend—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Papers to accompany House bill granting a pension to Nancy Day—to the Committee on Invalid Pensions.

#### SENATE.

MONDAY, January 5, 1903.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

Mr. GEORGE TURNER, a Senator from the State of Washington, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Saturday, December 20, 1902, when, on request of Mr. HOAR, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

#### REGULATION OF TRUSTS OR CORPORATIONS.

Mr. HOAR. Mr. President, I ask leave to give a notice at this time.

I desire to give notice that to-morrow morning, after the conclusion of the routine morning business, I shall ask leave to

submit some brief remarks on the bill (S. 6659) for the regulation of trusts or corporations engaged in international or interstate commerce.

#### COST OF VESSELS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting an account of the cost of inspection and construction of vessels in the Navy provided for in the act of July 1, 1902, etc.; which, with the accompanying paper, was referred to the Committee on Naval Affairs, and ordered to be printed.

#### REPORT OF BOARD OF ORDNANCE AND FORTIFICATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting the twelfth annual report of the Board of Ordnance and Fortification, which, with the accompanying report, was referred to the Committee on Military Affairs, and ordered to be printed.

#### COMPILATION OF CROP REPORTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, certain information relative to the advisability of consolidating with the Weather Bureau all work of the Department of Agriculture relating to the gathering and compilation of crop reports, statistics, etc.; which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

#### INTRODUCTION OF REINDEER INTO ALASKA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 16th ultimo, a letter from the Commissioner of Education, together with the report of Dr. Sheldon Jackson upon "The introduction of domestic reindeer into the district of Alaska for the year 1902;" which, on motion of Mr. NELSON, was, with the accompanying report, referred to the Committee on Education and Labor, and ordered to be printed.

#### ESTIMATES OF APPROPRIATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the General Superintendent of the Life-Saving Service submitting an estimate of appropriation for inclusion in the legislative, executive, and judicial appropriation bill for the fiscal year ending June 30, 1904, to provide a messenger in his office at \$840 per annum; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General submitting an additional estimate of appropriation for incorporation in the legislative, executive, and judicial appropriation bill, under "Salaries, court of appeals, District of Columbia," for the fiscal year 1904, for the salary of the crier appointed by that court under authority of law, \$900; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury recommending that the salary of the General Superintendent of the Life-Saving Service be increased from \$4,000 to \$5,000 per annum while the position is held by the present incumbent; which was referred to the Committee on Appropriations, and ordered to be printed.

#### FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of William H. Taliaferro, administrator of James G. Taliaferro, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact filed by the court in the cause of Mary J. Carpenter, administratrix of Benjamin D. Carpenter, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact filed by the court in the cause of Caroline E. Carter v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

#### PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented petitions of sundry citizens of New York City, N. Y., praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the State of New York, praying for the ratification of the reciprocity treaty between the United States and the colony of Newfoundland; which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BLACKBURN presented petitions of sundry citizens of the State of Kentucky, praying for the enactment of legislation to amend the internal-revenue laws so as to reduce the tax on distilled spirits; which were referred to the Committee on Finance.

Mr. QUARLES presented the petition of Rev. G. A. Hobbs and 9 other citizens of Delavan, Wis., and the petition of Rev. Henry Colman, of Milwaukee, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were ordered to lie on the table.

He also presented a petition of the Shiloh Monument Commission, of Milwaukee, Wis., praying that an appropriation of \$50,000 be made for the construction of a road connecting the Shiloh National Park with the city of Corinth, Miss.; which was referred to the Committee on Military Affairs.

He also presented a petition of the Listman Mill Company, of La Crosse, Wis., praying for the ratification of the reciprocity treaty between the United States and the colony of Newfoundland; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Advent Christian Conference, of Monticello, Wis., remonstrating against the enactment of legislation to provide for the restoration of the Army canteen; which was referred to the Committee on Military Affairs.

He also presented a memorial of Coopers' Local Union No. 46, American Federation of Labor, of West Superior, Wis., remonstrating against the enactment of legislation relative to the internal-revenue tax on the one-eighth barrel of fermented liquor; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Missionary Society of the First Congregational Church of Racine, Wis., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of the Twin City Musicians' Association, of Marinette; of the Wisconsin State Federation of Labor, of Milwaukee; of the Federated Trades Council of Milwaukee; of Cigar Makers' Local Union, No. 135, of Milwaukee, and of the Journeymen Stone Cutters' Association of Milwaukee, all of the American Federation of Labor, in the State of Wisconsin, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. FOSTER of Washington presented a petition of the Chamber of Commerce of Tacoma, Wash., praying for the appointment of a permanent tariff commission; which was referred to the Committee on Finance.

He also presented a petition of the Pacific Coast Lumber Manufacturers' Association, of Seattle, Wash., praying for the enactment of legislation enlarging the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Walla Walla Presbytery of the State of Washington, praying for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Woman's Christian Temperance Union, of Walla Walla, Wash., remonstrating against the enactment of legislation to admit the Territories into the Union as States unless there be a provision to prohibit the practice of polygamy; which was ordered to lie on the table.

He also presented petitions of Grays Harbor Trades and Labor Council of Aberdeen, of the Sailors' Union of the Pacific, of Seattle, and of the Sailors' Union of the Pacific, of Port Townsend, all of the American Federation of Labor, in the State of Washington, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. MITCHELL presented the petition of Edwin Billing, of Roseburg, Oreg., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

Mr. FAIRBANKS presented memorials of the Peru Electric Manufacturing Company, of Peru; of J. C. Wood & Co., of Muncie, and of the Manufacturers' Association of Kokomo, all in the State of Indiana, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented petitions of Hulman & Co., of Terre Haute; of the Wabash Baking Powder Company, of Wabash; of the National Association of Retail Grocers of South Bend, and of the Climax Coffee and Baking Powder Company, of Indianapolis, all

in the State of Indiana, praying for the passage of the so-called pure-food bill; which were referred to the Committee on Manufactures.

He also presented petitions of the Pattern Makers' Association of Indianapolis; of Federal Labor Union, No. 8971, of Sullivan; of Federal Labor Union, No. 10106, of Stone Bluff; of Iron Molders' Union, No. 357, of Montpelier; of Local Union No. 171, Metal Polishers, Buffers, Platers, Brass Molders, and Brass Workers' Union, of Indianapolis; of Local Union No. 21, Bricklayers and Masons' International Union, of Marion; of Cigar Makers' Local Union, No. 54, of Evansville; of Local Union No. 342, Brotherhood of Painters, Decorators and Paperhangers of America, of New Albany; of the Trades and Labor Council of New Albany; of White River Lodge, No. 161, International Association of Machinists, of Indianapolis; of Local Union No. 742, United Mine Workers, of Staunton; of the Trades and Labor Assembly of Logansport; of the United Mine Workers of Indianapolis; of Local Union No. 565, United Brotherhood of Carpenters and Joiners, of Elkhart; of Local Union No. 78, United Brewery Workmen, of Logansport; of Local Union No. 697, United Mine Workers, of Center Point, all in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. LODGE presented the petition of Wilbur F. Crafts, of Pittsburg, Pa., representing the Christian sentiment of ministers of New York and Pittsburg, praying for the passage of the pending immigration bill retaining the illiteracy test clause and the provision against the sale of liquors in Government buildings; which was ordered to lie on the table.

Mr. PROCTOR presented petitions of Local Union No. 683, Brotherhood of Carpenters and Joiners, of Burlington; of Local Union No. 311, Brotherhood of Painters, Decorators, and Paperhangers, of Montpelier, and of Laborers' Protective Union No. 9523, American Federation of Labor, of Bellows Falls, all in the State of Vermont, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BURROWS presented a petition of the congregation of the Bethany Presbyterian Church, of Detroit, Mich., and a petition of the Woman's Christian Temperance Union of Hartford, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which were ordered to lie on the table.

He also presented petitions of Painters, Decorators, and Paper Hangers' Local Union No. 312, of Kalamazoo; of Beer Bottlers and Drivers' Local Union No. 254, of Grand Rapids; of Coopers' International Union No. 136, of Saginaw; of Cigar Makers' Local Union No. 457, of Benton Harbor; of the Central Trades and Labor Assembly of Muskegon; of Local Union No. 70, of Grand Rapids; of United Cloth, Hat, and Cap Makers' Local Union No. 4, of Detroit; of Local Union No. 75, of Port Huron; of Boiler Makers and Iron Shipbuilders' Local Union No. 64, of Jackson; of Local Union No. 9724, of West Bay City; of Local Union No. 287, of Jackson; of Cigar Makers' Local Union No. 69, of Three Rivers; of Local Union No. 67, of Grand Rapids; of Upholsterers' Local Union No. 31, of Detroit; of Local Union No. 37, of Detroit; of Ship Carpenters and Calkers' Local No. 8419, of Port Huron, and of Iron Molders' Local Union No. 104, of Albion, all of the American Federation of Labor, in the State of Michigan, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of the Hall & Munson Company, of Bay Mills; of C. D. Widman & Co., of Detroit; of the A. J. Phillips Company, of Fenton; of the Sheffield Car Company, of Three Rivers; of the Edwards & Chamberlin Hardware Company, of Kalamazoo; of the Michigan Barrel Company, of Grand Rapids; of W. P. Holliday, of Detroit; of the Novelty Manufacturing Company, of Jackson; of Clark & Co., of Lansing; of D. Gerber's Sons, of Fremont; of the Clinton Woolen Manufacturing Company, of Clinton, and of S. Crawford & Sons, of Cedar River, all in the State of Michigan, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. NELSON presented a paper in support of the bill (S. 6653) granting a pension to Halvor Paulsen; which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation providing for a reduction of the revenue tax on distilled spirits; which were referred to the Committee on Finance.

He also presented a memorial of the congregation of the Presbyterian Church of Alpha, Minn., remonstrating against the restoration of the Army canteen; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Owatonna, Minn., praying for the passage of the so-called immigration bill; which was ordered to lie on the table.

Mr. KEAN presented a memorial of Carter, Howe & Co., of

Newark, N. J., remonstrating against the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented petitions of Nathan Hale Council, No. 89, Junior Order United American Mechanics, of Trenton; of Aetna Council, No. 143, Junior Order United American Mechanics, of Palermo; of Spring Garden Council, No. 176, Junior Order United American Mechanics, of Lindenwood; of Ivanhoe Council, No. 72, Junior Order United American Mechanics, of Somerville; of Golden Rule Council, No. 75, Junior Order United American Mechanics, of Perrineville; of Peninsula Council, No. 251, Junior Order United American Mechanics, of Bayonne, all in the State of New Jersey, praying for the passage of the so-called immigration bill; which were ordered to lie on the table.

He also presented petitions of the American Preserve Company, of Philadelphia, Pa.; of the Philadelphia Pickling Company, of Philadelphia, Pa., and of Cruikshank Brothers Company, of Allegheny, Pa., praying for the enactment of legislation to regulate the manufacture and sale of food products; which were referred to the Committee on Manufactures.

He also presented petitions of the Federated Trades Council of the Oranges of Orange; of Paperhangers' Local Union No. 352, of Trenton; of Bricklayers, Masons, and Plasterers' Local Union No. 5, of Orange; of Electrical Workers' Local Union No. 29, of Trenton; of Bartenders' Local Union No. 124, of Trenton; of National Union of Shipwrights, Joiners, and Caulkers of Camden; of Sewing Machine Builders' Union No. 7424, of Elizabeth; of Painters, Decorators, and Paperhangers' Local Union No. 227, of Atlantic City; of Glass Bottle Blowers' Association of Woodbury; of Toxbury Union, No. 115, United Powder and High Explosive Workers, of Succasunna; of the Central Labor Union of Dover; of Local Union No. 9, Metal Polishers, Buffers, Platers, Brass Molders, and Brass Workers' Union, of Elizabeth, all in the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented a petition of sundry citizens of New York City, praying for the enactment of legislation providing for a reduction of the revenue tax on distilled spirits; which was referred to the Committee on Finance.

Mr. DRYDEN presented the memorial of John Scully, president of Scully's Towing and Transportation Line of South Amboy, N. J., remonstrating against the enactment of legislation to change the present coasting navigation laws; which was referred to the Committee on Commerce.

He also presented the petition of Edgar Brick, of Crosswicks, N. J., praying for the enactment of legislation to regulate the manufacture and sale of food products; which was referred to the Committee on Manufactures.

He also presented the petition of William W. Ogden, of Newark, N. J., praying for the enactment of legislation providing for the permanent improvement of public highways; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Freeman Hiscox, of Newark, N. J., praying for the enactment of legislation providing a system of post-check currency; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of Mrs. L. Shelton, of Morristown, N. J., remonstrating against the enactment of legislation to allow live stock in transportation to remain forty hours without food, etc.; which was referred to the Committee on Interstate Commerce.

He also presented petitions of Golden Rule Council, No. 75, of Perrinsville; of Olympia Council, No. 269, of Berlin; of Ivanhoe Council, No. 72, of Somerville; of Nathan Hale Council, No. 89, of Trenton; of John A. Dix Council, No. 215, of Newark; of Daniel Webster Council, No. 160, of Newark; of South Orange Council, No. 241, of South Orange, and of Peninsula Council, No. 250, of Bayonne; all of the Junior Order of United American Mechanics; of W. H. Polhemus, of East Millstone; of the Parke File Company, of Newark; of Dr. Caldwell Morrison, of Summit, and of G. F. Snyder, of Washington, all in the State of New Jersey, praying for the enactment of legislation to prohibit the immigration of aliens into the United States and their insular possessions; which were ordered to lie on the table.

He also presented petitions of George Cantrell, of Tabor; of E. W. Beam, of Denville, and of the Woman's Christian Temperance Union of New Jersey, all in the State of New Jersey, and of Dr. William C. Stokes, of Philadelphia, Pa., praying for the adoption of an amendment to the Constitution requiring Territories when coming into the Union as States to prohibit polygamy; which were ordered to lie on the table.

He also presented petitions of the International Brotherhood Electrical Workers of Trenton; of the Labor Union of Dover; of the United Powder and High Explosive Workers of Succasunna; of the Brotherhood of Painters, Decorators, and Paperhangers of Atlantic City; of the Glass Bottle Blowers' Association of Woodbury; of the Bartenders' Local Union No. 124, of Trenton; of

Paperhangers' Local Union No. 352, of Trenton; of the Sewing Machine Builders' Local Union No. 7424, of Elizabeth; of Bricklayers, Masons, and Plasterers' Local Union No. 5, of Orange, and of the Federated Council of the Oranges of Orange, all of the American Federation of Labor, of the State of New Jersey, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented memorials of the Whitney Glass Works, of Glassboro; of the Embroidery Works, of Newark, and of Carter, Howe & Co., of Newark, all in the State of New Jersey, remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. BEVERIDGE presented a petition of the Indiana Bituminous Coal Operators' Association, of Terre Haute, Ind., praying for the ratification of a reciprocal treaty with Canada whereby bituminous coal of each country shall be admitted free of duty into the territory of the other; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Retail Grocers' Association of Peoria, Ill., remonstrating against the enactment of legislation to prohibit the adulteration of food products; which was referred to the Committee on Manufactures.

He also presented a petition of the directory of the National Federation of Civic Rights of New Albany, Ind., praying for the enactment of legislation providing for the creation of a commission to inquire into the condition of the colored people of the United States; which was referred to the Committee on the Judiciary.

He also presented a petition of the Bar Association of Indianapolis, Ind., praying for the establishment of a laboratory for the study of the criminal, pauper, and defective classes; which was referred to the Committee on the Judiciary.

He also presented petitions of Local Union No. 342, of New Albany; of Local Union No. 161, International Association of Machinists, of Indianapolis; of Bricklayers and Masons' Local Union No. 21, of Marion; of the United Mine Workers of Indianapolis; of the Trades and Labor Assembly of Logansport; of Local Union No. 597, of Center Point; of Local Union No. 54, of Evansville; of Switchmen's Local Union No. 74, of Michigan City; of the Pattern Makers' Association of Indianapolis; of Local Union No. 78, of Logansport; of Cigar Makers' Local Union No. 335, of Hammond; of the Trades and Labor Council of New Albany, and of Federal Labor Union No. 10106, of Stone Bluff, all of the American Federation of Labor, in the State of Indiana, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

He also presented the memorial of E. C. Atkins & Co., of Indianapolis, Ind., and a memorial of the Manufacturers' Association of Kokomo, Ind., remonstrating against the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. CLAY. I present a petition of the Board of Trade of Brunswick, Ga., praying that an appropriation be made for the construction of a light-ship at that harbor. The petition is short and of importance. I ask that it be printed in the RECORD, and referred to the Committee on Commerce.

There being no objection, the petition was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

BRUNSWICK BOARD OF TRADE,  
Brunswick, Ga., January 2, 1903.

Whereas there is in the westerly curvature of the Atlantic coast from Savannah, Ga., southward to St. Augustine, Fla., the important commercial cities, Brunswick, Fernandina, Jacksonville, and the only less important ports, Sapelo, Darien, St. Andrews, and St. Augustine, largely dependent upon ocean commerce, the commerce of said ports aggregating over \$50,000,000 per year—the commerce of Brunswick alone exceeding \$27,000,000; and

Whereas this portion of the coast in its entire extent has no first-class lights, necessitating in thick weather in an effort to enter these ports, either from north or south, sailing close inshore for the purpose of identifying the lights of the harbors named above; and

Whereas there are numerous shoals projecting far out into the ocean, which are a constant source of danger to vessels seeking to identify lights as aforesaid; and

Whereas numerous vessels, due to the circumstances above described, have been wrecked and lost entirely, and a much larger number put ashore and injured and delayed, among them Government vessels, the aggregate number wrecked and ashore in the aforesaid range of coast averaging five a year for the past thirty years, and the total loss in vessels, freight, loss in time, and in various ways running into sums of great magnitude; and

Whereas there is no light-ship within this range of coast from St. Martins Industry light southward, and a light-ship placed in such western curvature of the coast would enable all vessels to locate its latitude and longitude with certainty, and thence take course with certainty to the sea entrance of each of the harbors named; and

Whereas the statistics of disaster in the navigation of the seas and the oceans of the world place the percentage of such disasters to vessels seeking and sailing from port at over 50 per cent of all such disasters of every kind; and

Whereas there is a vast coastwise commerce passing up and down the coast into and out of the Gulf and the West India Islands and Caribbean Sea ports, which is now compelled to run far out at sea to avoid danger, to which such a light-ship would prove of great advantage in saving of time, in greater safety of navigation, and is a matter of vital interest to all owners of our prosperous and enormous coastwise trade:

Resolved, That this board, representing the commercial interest of the port

of Brunswick, in its own interest and the interest of all the harbors named, and of the vast coastwise commerce referred to, respectfully petitions our Senators, our immediate Representative in Congress, all of the Representatives of the State of Georgia, and the Senators and Representatives from Florida, which is as deeply interested as Georgia, to use their best efforts to procure without delay an adequate appropriation for a light-ship to be located within such a curvature of the coast as a matter of urgent national and international importance.

By order of the board:

Attest:

FRANK D. AIKEN, *President.*

C. D. OGG, *Secretary.*

Mr. CULLOM presented a petition of the Illinois State Grange, Patrons of Husbandry, praying for the enactment of legislation to regulate the manufacture and sale of food products; which was referred to the Committee on Manufactures.

He also presented a petition of the Illinois State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Illinois State Grange, Patrons of Husbandry, praying for the enactment of legislation to extend the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Illinois State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for the establishment of a domestic parcels-post system; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Urbana, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in immigrant stations; which was ordered to lie on the table.

He also presented a petition of the Illinois State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for the establishment of postal-savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Illinois State Grange, Patrons of Husbandry, praying for the enactment of legislation providing for a reduction of the postage on letters to 1 cent; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Local Union No. 154, Brotherhood of Carpenters and Joiners, of Kewanee; of the Federal Labor Union of Johnston; of Local Union No. 141, Carpenters and Joiners, of Chicago, and of the American Federation of Labor, of Sparta, all in the State of Illinois, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. PERKINS presented a petition of the Water and Forest Association, of San Francisco, Cal., praying that an appropriation of \$75,000 be made for the Office of Irrigation Investigations of the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce, of San Francisco, Cal., praying for the adoption of certain amendments to the navigation laws, requiring the masters and chief mates of sail vessels of over 700 tons to be licensed by the United States; which was referred to the Committee on Commerce.

He also presented a petition of California Council, No. 1, Daughters of Liberty, of San Francisco; of the California Fruit Growers' Association of Sacramento; of the Chamber of Commerce of Santa Barbara County; of the Visalia Board of Trade of California; of the Shipowners' Association of the Pacific Coast of California; of the Board of Trade of San Francisco; of the Board of Trade of Pomona; and of Iron Molders' Local Union No. 164, of San Francisco; of Cigar Makers' Local Union No. 225, of Los Angeles; of Machinists' Local Union No. 284, of Oakland; of the Federal Labor Union of Santa Cruz; of the Labor Council of Santa Rosa, and of the Sailors' Union of the Pacific, of San Francisco, all of the American Federation of Labor, in the State of California, praying for the enactment of legislation to prohibit the immigration of aliens into the United States and their insular possessions; which were ordered to lie on the table.

He also presented a petition of the Women's Home and Foreign Missionary Society of the General Synod of the Lutheran Church of California, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented petitions of the Indian Hill Citrus Union, of North Pomona; of the Claremont Citrus Union, of Claremont; of the Lamanda Orange and Lemon Association, of Lamanda Park; of the Board of Trade of Pomona; of the Riverside Naval Orange Company, of Riverside, and of the Duarte Monrovia Fruit Exchange, of Duarte, all in the State of California, praying for the enactment of legislation to protect the forest reserves of southern California from the devastation of fires; which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HOAR presented the petition of Rev. W. H. Allbright and 40 members of the Pilgrim Congregational Church, of Boston, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any immigrant station owned or used by the United States; which was referred to the Committee on Immigration.

Mr. SCOTT presented a petition of Seabright Division, No. 477, Brotherhood of Locomotive Engineers, of Fairmont, W. Va., and a petition of Local Union No. 976, United Brotherhood of Carpenters and Joiners, of Bluefield, W. Va., praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.

Mr. McCOMAS presented a memorial of the Independent Citizens' Union, of Baltimore, Md., remonstrating against the passage of the pending bill for the restriction of immigration to this country; which was ordered to lie on the table.

He also presented a petition of 32 citizens of the State of Maryland, and a petition of 12 citizens of the State of Virginia, praying that an appropriation be made to reimburse the depositors of the Freedman's Saving Bank and Trust Company; which was referred to the Committee on Finance.

Mr. DOLLIVER presented a petition of Local Union No. 56, United Mine Workers, of Colfax, Iowa, praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of General Hancock Post, No. 22, Department of Iowa, Grand Army of the Republic, of Sioux City, Iowa, praying for the establishment of a national military park on the battlefield of Fredericksburg, Va.; which was referred to the Committee on Military Affairs.

He also presented sundry papers to accompany the bill (S. 482) to remove the charge of desertion from the record of Levi Wright; which were referred to the Committee on Military Affairs.

Mr. COCKRELL presented a petition of sundry citizens of Galena, Mo., praying for the enactment of legislation providing for a reduction of the revenue tax on distilled spirits; which was referred to the Committee on Finance.

Mr. FRYE presented a petition of the board of trade of Portland, Me., praying for the enactment of legislation granting pensions to the families of surfmen of the Life-Saving Service who perish in the line of duty; which was referred to the Committee on Commerce.

He also presented a petition of the Central Labor Union of Portland, Me., praying for the passage of the so-called eight-hour bill; which was ordered to lie on the table.

He also presented a petition of the Manufacturers' Association of New York, praying for the appointment of an additional United States judge for the southern district of New York; which was referred to the Committee on the Judiciary.

He also presented a petition of the California Fruit Growers' Convention, praying that an appropriation be made to continue the irrigation investigation conducted by the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the National Association of Retail Grocers, praying for the enactment of legislation to regulate the manufacture and sale of food products; which was referred to the Committee on Manufactures.

#### HAY-BOND TREATY.

Mr. FAIRBANKS. I present articles published in the Boston Herald and the New York Tribune, relating to the Hay-Bond treaty, which I ask be printed as a document.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Indiana? The Chair hears none, and it is so ordered.

#### REPORTS OF COMMITTEES.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 13075) to amend section 3 of the "Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing," and so forth, approved February 10, 1891, to ask to be discharged from its further consideration.

I suppose that this subject, being a matter of the criminal laws of the United States, is usually within the jurisdiction of the Committee on the Judiciary, but I am told that this House bill has been already referred to the Committee on Commerce and is under consideration there. Without, therefore, making the matter a precedent one way or the other, I ask that the bill may be referred to the Committee on Commerce.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the Committee on the Judiciary be discharged from the further consideration of the bill and that it be referred to the Committee on Commerce. The Chair hears no objection, and the order is made.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 6028) to provide for the appointment of additional United States commissioners in the western judicial district,

Indian Territory, and for other purposes, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 6446) to provide for the construction of a bridge across Rainy River, in Minnesota, reported it with amendments, and submitted a report thereon.

#### TRUSTS OR COMBINATIONS IN RESTRAINT OF TRADE.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from Indiana [Mr. FAIRBANKS] on the 15th ultimo, to report it without amendment, and I ask for its present consideration.

The concurrent resolution was read, as follows:

*Resolved by the Senate (the House of Representatives concurring). That there be prepared forthwith, under the direction of the Attorney-General, a compilation of all the laws enacted by the various States of the Union relating to trusts or to combinations in restraint of trade and commerce, of which compilation 2,000 copies shall be for the use of the Senate and 5,000 shall be for the use of the House of Representatives and 500 for the use of the Department of Justice.*

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. HOAR. I should like to suggest "and such portion of such legislation in regard to the organization and control of corporations as shall in his judgment seem fit," or something of that sort. It is utterly impossible to separate the consideration of State legislation in regard to what is merely called trusts from the acts relating to corporations, in regard to watered stock, paying in full in cash, etc. I should like to have inserted in the resolution the words "and for the regulation and organization of corporations."

Mr. FAIRBANKS. Does the Senator propose that as an amendment?

Mr. HOAR. Yes; as an amendment.

Mr. FAIRBANKS. I see no objection to it.

Mr. PLATT of New York. On behalf of the committee, I accept the amendment.

The PRESIDENT pro tempore. The Senator from Massachusetts proposes an amendment, which will be stated.

The SECRETARY. After the word "commerce," at the end of line 5, insert "and for the regulation and organization of corporations."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. McCOMAS. It seems to me that the compilation of State statutes on this subject ought to be accompanied by the decisions thereon in the same compilation, which could be easily obtained from the reports, and that there should be the Federal statutes with the list of decisions of the Supreme Court and of the Federal appellate courts compiled in one volume.

Mr. HOAR. Has not that been made a separate order?

Mr. McCOMAS. I introduced a resolution to that effect, and it passed the Senate and went to the House, but it would be convenient to have the whole subject in the same compilation. That is all that I suggest. I shall not oppose this proposition.

The PRESIDENT pro tempore. Will the Senate agree to the amendment of the Senator from Massachusetts?

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

#### COMPILATION RELATING TO PARDONS, ETC.

Mr. PLATT of New York. From the Committee on Printing I report a joint resolution, and I ask for its present consideration.

The joint resolution (S. R. —) to provide for the printing of a digest of the laws, decisions, and opinions relating to pardons and other acts of executive clemency under the United States and the several States was read the first time by its title, and the second time at length, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That there be printed the usual number of copies of a digest of the laws, decisions, and opinions relating to pardons and other acts of executive clemency under the constitutions of the United States and of the several States, and that in addition to said usual number there be printed and bound in sheep 500 copies for the use of the Attorney-General; said digest to be printed under the editorial supervision of an editor or editors to be appointed by the Attorney-General and the editing and clerical work incident thereto to be paid for out of any moneys in the Treasury not otherwise appropriated, on the direction of the Attorney-General, at a price not to exceed \$2,500, which sum is hereby appropriated, and is to be in full payment for said work, except the cost of printing and binding the same.*

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. COCKRELL. At what time is it proposed that the digest shall begin?

Mr. PLATT of New York. In support of the joint resolution I submit a letter from the Attorney-General, which I ask to have read.

The PRESIDENT pro tempore. The letter will be read.

The Secretary read as follows:

Hon. T. C. PLATT,  
Chairman Committee on Printing, United States Senate.

SIR: In reply to your letter of the 29th ultimo, requesting an expression of my views in respect of the propriety of the introduction of joint resolutions in

Congress providing for the compilation and printing of a digest of the laws, decisions, and opinions relating to pardons and other acts of Executive clemency under the United States and the several States, and the appropriation of \$2,500 in payment of the work of compilation, I have to say that I have given the matter consideration, that it meets with my approval, and that I believe the compilation and publication of the proposed digest proper and necessary.

Important questions frequently arise under this Department concerning the effect of convictions in the United States and State courts, especially as to the rights of convicts to testify, to vote, to hold office, etc., and also concerning the extent of the power of the President in various classes of cases, and the effects of pardon and other acts of clemency.

There is at present no work of authority or even of reference upon this subject, and the preparation and printing of such a digest as is contemplated would be a great convenience, and would save much time and labor, not only to this Department, but also to the officers of the United States courts and to other officials of the Government, besides being useful to the courts and officials of the States.

For reasons appearing above it seems to me that such a digest should, as is proposed, contain a summary of the laws and decisions of the States, as well as the Federal laws and decisions.

As a precedent for the printing by Congress of such digests I may refer to joint resolution No. 23, approved March 2, 1895, under which was edited and printed a digest of the laws and decisions relating to the appointment, compensation, etc., of officials of the United States courts, which work has been of great value to the officers of this Department and of the Treasury Department, and to other officials of the Government, for the editing and preparation of which an appropriation of \$2,000 was carried by the resolution.

Concerning the amount to be appropriated to pay for the clerical, legal, and editorial work in the preparation of the proposed digest, I should say that \$2,500 ought to be an ample amount from which the Attorney-General could approve and allow such compensation as may seem proper upon the completion of the work.

Respectfully,

P. C. KNOX, Attorney-General.

Mr. PLATT of Connecticut. May the first of the joint resolution be read again?

The Secretary read as follows:

*Resolved, etc.* That there be printed the usual number of copies of a digest of the laws, decisions, and opinions relating to pardons and other acts of executive clemency under the constitutions of the United States and of the several States.

Mr. PLATT of Connecticut. It seems to me that the word "decisions" is rather indefinite.

Mr. SPOONER. That, I judge from his letter, is one of the things which the Attorney-General especially desires.

Mr. PLATT of Connecticut. Do you mean decisions of courts?

Mr. SPOONER. Decisions of courts.

Mr. PLATT of Connecticut. Or of boards of pardon?

Mr. SPOONER. I am speaking of his letter. I doubt if the joint resolution as it is drawn would cover all that the letter covers. Is there any objection to its going over until to-morrow?

Mr. PLATT of New York. No.

Mr. PLATT of Connecticut. I think the language ought to be looked at a little.

Mr. HOAR. It occurred to me when I heard the joint resolution read that its phraseology was pretty general and vague and would include a good deal of matter that it would be very difficult to collect; but as I understood from the letter that the Department of Justice approved it, I did not make any point on it. However, it occurred to me that it is pretty vague in its phraseology.

Mr. SPOONER. The joint resolution does not fit the letter, and I think it would be well to let it go over until to-morrow.

Mr. PLATT of New York. Let it go over until to-morrow.

The PRESIDENT pro tempore. If present consideration is objected to—

Mr. SPOONER. I object to it.

The PRESIDENT pro tempore. Then the joint resolution goes to Calendar.

Mr. SPOONER. Without losing its place.

The PRESIDENT pro tempore. It goes to the Calendar.

Mr. HOAR. Perhaps the Senator from New York will withdraw the joint resolution and report it again to-morrow, and then it would have its present position.

Mr. SPOONER. I think all would agree to that course.

The PRESIDENT pro tempore. The simplest way to have it before the Senate to-morrow morning is to withdraw it.

Mr. PLATT of New York. I withdraw the joint resolution.

The PRESIDENT pro tempore. The Senator from New York withdraws the joint resolution.

#### BILLS INTRODUCED.

Mr. TALIAFERRO introduced a bill (S. 6693) granting a pension to Mary J. Ivey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 6694) granting an increase of pension to Burrell G. Wood; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DUBOIS introduced a bill (S. 6695) granting a pension to Susan E. Potter; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6696) granting an increase of pension to Samuel T. Chambers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. McENERY introduced a bill (S. 6697) for the relief of

Commander Augustus G. Kellogg, United States Navy, retired; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6698) granting an increase of pension to William A. Wilkins;

A bill (S. 6699) granting an increase of pension to Reuben Tulley (with an accompanying paper); and

A bill (S. 6700) granting an increase of pension to Zach J. Burns (with the accompanying papers).

Mr. BEVERIDGE introduced a bill (S. 6701) to correct the military record of Laban Blair; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6702) granting a pension to Emelie Lawrence Reed;

A bill (S. 6703) to restore to the pension roll the name of Henrietta V. West; and

A bill (S. 6704) granting a pension to Lewis Walton.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6705) for the relief of the estate of Thomas Calbreath, deceased;

A bill (S. 6706) for the relief of Samuel S. Dennis;

A bill (S. 6707) for the relief of St. George's Episcopal Church, of Pungoteague, Va. (with the accompanying papers); and

A bill (S. 6708) for the relief of Mrs. Mary J. Grau.

Mr. MARTIN introduced a bill (S. 6709) to protect the monuments already erected on the battlefields of Bull Run, Virginia; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM. In behalf of my colleague [Mr. MASON] I introduce a bill.

The bill (S. 6710) to provide for the temporary operation of coal mines by receivers was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULLOM introduced a bill (S. 6711) granting an increase of pension to James G. Rumbolz; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 6712) granting a pension to Esther W. Brooke; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCOMAS introduced a bill (S. 6713) for the relief of the heirs of John D. Clemson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6714) granting an increase of pension to Richard E. Bouldin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6715) to establish a permanent military camp ground in the vicinity of Oakland, in Garrett County, Md.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6716) to place tablets upon certain historic sites in the United States Naval Academy at Annapolis, Md.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HOAR introduced a bill (S. 6717) to amend sundry acts relating to the government of Alaska; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 6718) to provide for the purchase of a site and the erection of a public building thereon at Beverly, in the State of Massachusetts; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BERRY introduced a bill (S. 6719) to change and fix the time for holding the district and circuit courts of the United States for the eastern division of the eastern district of Arkansas; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

He also introduced a bill (S. 6720) for the relief of Susan R. Keese and George G. Johnson; which was read twice by its title, and referred to the Committee on Claims.

Mr. DOLLIVER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6721) granting a pension to James M. McKain;

A bill (S. 6722) granting an increase of pension to James Flynn; and

A bill (S. 6723) granting an increase of pension to Charles L. Russell.

Mr. FAIRBANKS introduced a bill (S. 6724) to permit national banking associations to deposit bonds issued for the purchase of

an interoceanic canal to secure circulation, and so forth; which was read twice by its title, and referred to the Committee on Finance.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6725) granting a pension to Mary F. Brown;

A bill (S. 6726) granting an increase of pension to Jason Dame; and

A bill (S. 6727) granting an increase of pension to James Rawlings.

Mr. PLATT of Connecticut introduced a bill (S. 6728) granting an increase of pension to Clara B. Griswold; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6729) granting an increase of pension to Phebe A. Ford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced a bill (S. 6730) to regulate the use of forest-reserve timber; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FOSTER of Washington introduced a bill (S. 6731) granting an increase of pension to Benjamin N. Bond; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 6732) granting an increase of pension to Edwin Billing; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 6733) to amend an act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 6734) granting an increase of pension to Marie A. Rask; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6735) granting an increase of pension to Clarence E. Bullard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 6736) granting a pension to Ellen H. Sharp; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MALLORY. I introduce a bill and move its reference to the Committee on the Judiciary. I think it proper it should go to that committee, as it relates to compensation for extra services of a marshal.

The bill (S. 6737) for the relief of Samuel Puleston was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MALLORY introduced a bill (S. 6738) to restrict absences of district judges of the United States from the districts for which they are appointed; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. LODGE introduced a bill (S. 6740) granting a pension to Frances E. Wild; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6741) granting a pension to Solomon B. Holman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 6742) granting an increase of pension to Eva V. Downey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 6743) for the relief of the estate of David Crowell, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6744) for the relief of the estate of Lewis King, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 6745) for the relief of Creighton Churchill; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SCOTT introduced a bill (S. 6746) granting a pension to Michael Matheny; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6747) granting an increase of pension to Alvin Harriman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6748) granting an increase of pension to Ann M. Haskell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6749) granting a pension to Sarah E. Presson Flagg; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

#### DUTIES ON COAL.

Mr. LODGE. Mr. President, I am going to ask permission of the Senate to say a single word in explanation of a bill which I

am about to introduce and request to have referred to the Committee on Finance.

It is a bill to suspend for ninety days the duties on coal imported into the United States. I am perfectly aware, of course, that no such bill can originate in this body and that this body can take no action upon such a measure until it comes over to it from the House. I introduce the bill simply because I desire to call attention here and elsewhere to the subject, and to ask for it the prompt consideration of the Senate Committee on Finance.

The State which I represent in part, and, indeed, all New England, is suffering a great deal of distress from the shortage of coal. There is a great shortage of coal, both anthracite and bituminous, owing, as we are all aware, to the protracted strike of last summer. Prices in many cases have reached extravagant heights. It is not worth while to inquire whether this is owing to retailers, owners of ocean transportation, or to independent operators. The fact remains that there is a great deal of real suffering. Many of our factories are in doubt as to whether they will get sufficient coal to continue. Many schools and public buildings are threatened with closing. But the severest distress occurs among those who are least able to pay the extravagant prices for coal.

I do not think, Mr. President, that a duty of 67 cents a ton has much exclusive effect where coal has advanced anywhere from \$3 to \$12 above the normal prices. This is a coal-exporting country, not a coal-importing country. But I nevertheless think it possible that the removal of the coal duties for a brief period of ninety days during the time of extremely cold weather might have an effect in stimulating importations of coal, which is greatly to be desired and would be very beneficial. Certainly anyone who is familiar with the suffering that now exists in certain of the Eastern States, and I have no doubt elsewhere, could not object, it seems to me, to any reasonable measure which would tend in however slight a degree to modify and reduce the amount of distress and suffering which undoubtedly exist.

It is for this reason, Mr. President, that I introduce the bill and to ask for it the attention of the Committee on Finance.

The bill (S. 6739) to suspend the duties on coal imported into the United States, and for other purposes, was read the first time by its title.

Mr. VEST. Let the bill be read at length.

The bill was read the second time at length, and referred to the Committee on Finance, as follows:

*Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,* That all duties now imposed by law upon coal imported into the United States be suspended for a period of ninety days after the passage of this act, and that the President be, and is hereby, authorized to make proclamation of such suspension of said duties.

SEC. 2. That after the expiration of said period of ninety days if the President of the United States shall be satisfied that the government of the Dominion of Canada does not levy or collect any duty, tax, or impost upon coal the product of the United States he is hereby authorized to, and shall, announce by proclamation the fact of the removal of said duty, impost, or tax by the Dominion of Canada, and that all duties, imposts, or taxes now levied by the Government of the United States upon coal the product of the Dominion of Canada are removed.

Mr. CULBERSON. Mr. President, before introducing the joint resolution which I will presently send to the desk, I desire to say that it seems to me the Senator from Massachusetts who has just taken his seat misconceives the provision of the Federal Constitution with reference to revenue bills.

The Constitution provides that all bills for "raising" revenue must originate in the House of Representatives, but I do not understand that by that clause the origination of bills in the Senate which have an entirely opposite purpose, or, in other words, the purpose of cutting off absolutely revenue derived from a specific article is prohibited.

Consequently, Mr. President, I offer a joint resolution on this subject, and ask unanimous consent for its present consideration.

The joint resolution (S. R. 147) exempting anthracite coal from import duty was read the first time by its title.

The PRESIDENT pro tempore. The Senator from Texas asks for the present consideration of the joint resolution. It will be read to the Senate for its information.

The joint resolution was read the second time at length, as follows:

Whereas there is great distress and suffering in many sections of the country because of the inadequate supply of anthracite coal and the high prices for which it is offered and sold; and

Whereas no revenue of consequence is derived by the Government from the duty imposed thereon; and

Whereas the removal of the duty will add to the supply in the United States and lower the price thereof: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That on and after the passage of this resolution anthracite coal and all coals containing less than 92 per cent. of fixed carbon when imported into the United States shall be exempt from duty.

Mr. PLATT of Connecticut. Mr. President—

The PRESIDENT pro tempore. The Senator from Texas asks for present consideration. Is there objection?

Mr. PLATT of Connecticut. I am about to object, but before objecting I want, without entering into a discussion of this

subject, to say that as I understand the matter, there is no duty on anthracite coal. I object to the present consideration of the joint resolution.

The PRESIDENT pro tempore. Objection is made to the present consideration of the joint resolution.

Mr. VEST. Mr. President, I should like, with the permission of the Senate, to make one remark in reply to the Senator from Connecticut.

I understood him to say that there is no duty now upon anthracite coal. The board of appraisers of the city of New York have determined that matter unanimously and decided that there is a duty on anthracite coal, and the President of the United States recognizes that fact. It seems to me, sir, it is beyond any question that the language employed in the Dingley Act means anthracite coal, and was so understood at the time, as the debates show.

Mr. PLATT of Connecticut. Mr. President, I do not wish to go into a discussion of this matter now. The percentage of coal fixed in the Dingley Act was for the purpose, and the sole purpose, of defining the difference between anthracite and bituminous coal; and in adopting 92 per cent of fixed carbon as defining anthracite coal the committee followed not only the consensus of opinion of experts, but also the decisions of the General Appraisers as sanctioned by the courts. On some future occasion I will go into this matter at a sufficient length to make it absolutely plain.

The PRESIDENT pro tempore. The joint resolution will lie on the table.

#### AMENDMENTS TO BILLS.

Mr. DILLINGHAM submitted the following amendments, intended to be proposed by him to the District of Columbia appropriation bill; which were referred to the Committee on the District of Columbia, and ordered to be printed:

An amendment providing for the establishment of a slow sand filtration plant and improvements to the distributing reservoir in the District of Columbia:

An amendment providing for the paving with asphalt of R street from Twenty-second street to Massachusetts avenue in the District of Columbia:

An amendment providing for the paving with asphalt and improving Twenty-second street from R street to S street in the District of Columbia; and

An amendment proposing to appropriate \$1,000 for a fountain, to be placed at the intersection of Connecticut avenue and N street in the District of Columbia.

Mr. DOLLIVER submitted an amendment relating to the distribution of the annual appropriations for the fulfillment of existing treaty stipulations with the Sac and Fox Indians of the Mississippi, intended to be proposed by him to the Indian appropriation bill; which, with the accompanying memorial, was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the bill (H. R. 13679) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate \$2,500,000 to enable the government of the Philippine Islands to advance money for the purchase of draft animals to be used in restocking farms of said islands, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Philippines, and ordered to be printed.

Mr. STEWART. I submit an amendment intended to be proposed by me to the Army appropriation bill. I ask that it be read.

There being no objection, the proposed amendment was read, and referred to the Committee on the Philippines, as follows:

Amendment intended to be proposed by Mr. STEWART to the Army appropriation bill.

That the Secretary of War is hereby authorized to construct, equip, and operate railroads in the Philippine Islands for the purpose of protecting life and property and maintaining a stable government, and that he is hereby authorized to construct and equip not less than 300 miles each year for ten years of such Philippine railroads, and the money necessary to carry this provision into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated.

#### CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

Mr. CLAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill, the amendment being to insert the following:

To enable the Secretary of War, through the commissioners of the Chickamauga and Chattanooga National Park, to improve the road from Crawfish Springs, Ga., through the Widow Davis Crossroads and Baileys Crossroads, to Stevens Gap, a distance of 12 miles, \$25,000.

Mr. CLAY. I desire to state that the amendment is accompanied by an important letter from General Boynton. I ask that the letter be printed in the RECORD, and that the amendment and

accompanying letter be referred to the Committee on Military Affairs.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. ALEXANDER S. CLAY,  
*United States Senate, Washington, D. C.*

DEAR SIR: In reply to your inquiries concerning the historical importance of the road from Crawfish Springs to Stevens Gap in connection with the establishment of the Chickamauga and Chattanooga National Military Park, I have the honor to say that this was the road over which and along which the main operations of the Union Army, preceding the battle of Chickamauga, took place, and which is indicated upon the map herewith inclosed by dotted lines in blue, the distance being 12 miles.

The corresponding road over which and along which the operations of the Confederate Army took place previous to the battle of Chickamauga is indicated upon the map by the red line on the east side of Pigeon Mountain, extending from Lee & Gordon Mills to Lafayette, a distance of 13 miles.

As the line of the preliminary operations of the Confederate Army has already been improved, it would seem entirely appropriate that the corresponding line of operations of the Union Army should also be improved. These preliminary operations of both armies were of an exceedingly interesting character and had most important bearings upon the results of the campaign.

In view of the annual maneuvers which are now contemplated from the national park as a general rendezvous for portions of the Regular Army and the National Guard of most of the States south of the Ohio and the Potomac and east of the Mississippi, it would seem advisable to have one important road along the main line of both Confederate and Union operations. The completion of the line now in question would accomplish this. This would leave various unimproved branch roads running from these main lines of operations into the numerous theaters of detached engagements, and thus leave abundant lines of rough roads for practice over ordinary country lines of travel.

The right of way over this road has already been ceded to the United States by the State of Georgia. It is believed that this road can be completed for the sum suggested in your proposed amendment.

Very respectfully,

H. V. BOYNTON.

The PRESIDENT pro tempore. The letter and the proposed amendment will be referred to the Committee on Military Affairs.

#### REVISED CODE OF DISTRICT OF COLUMBIA.

Mr. DILLINGHAM submitted the following concurrent resolution; which was referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring), That 2,500 copies of the revised code of law of the District of Columbia be printed and bound, 500 copies for the use of the Senate, 1,000 for the use of the House of Representatives, and 1,000 for sale by the superintendent of documents.*

#### RAILROADS IN THE PHILIPPINE ISLANDS.

Mr. STEWART submitted the following resolution, which was read:

*Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate what effect, in his opinion, an adequate system of railroads in the Philippine Islands would have upon the cost of maintaining law and order and protecting life and property in those islands, and whether, in his opinion, the expense of protecting life and property and maintaining a stable government would be reduced by such a system of railroads in a sum sufficient to equal the interest on the money necessary to build and operate such roads.*

Mr. STEWART. I ask for the present consideration of the resolution, and I beg leave to make a few remarks explanatory of it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. LODGE. What is the nature of the resolution? I was called out and did not hear it.

The PRESIDENT pro tempore. It is a resolution of inquiry of the Secretary of War.

Mr. LODGE. Is it proposed to pass the resolution at this time?

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent for the present consideration of the resolution.

Mr. LODGE. I should like to have it read before I give my consent.

The PRESIDENT pro tempore. It will again be read.

The Secretary again read the resolution.

Mr. LODGE. I have no objection, Mr. President.

The PRESIDENT pro tempore. The resolution is before the Senate.

Mr. STEWART. Mr. President, the undertaking by the United States to protect life and property and extend the blessings of stable government to the Filipinos will be a long and expensive struggle without the use of railroads. When we take into consideration the vast extent of these islands, their enormous resources and commercial possibilities, the necessity for cheap and speedy action forces itself upon our consideration.

The Philippines have an area of 119,542 square miles, which is more than New England, Pennsylvania, and New Jersey combined. These States have over 20,000 miles of railroad. Illinois alone, with an area of 56,650 square miles, which is less than half the area of the Philippines, has 10,997 miles of railroad. The population of the Philippines, as estimated by the Philippine Commission, is 8,000,000, which is greater than the population of New England, New Jersey, Delaware, and the District of Columbia combined.

Prior to the introduction of railroads and telegraphs, civilization was confined to the countries convenient to navigable waters.

All the push and energy of the American people were inadequate to subjugate the Indians and establish government in that vast region between the Missouri River and the Pacific Ocean. Prior to the building of railroads only isolated settlements for mining purposes and the self-exiled Mormons obtained a foothold in the region extending east and west 1,500 miles and extending north and south from Mexico to the Canadian possessions. With the aid of the Ohio, the Mississippi, and the Missouri rivers, and the Great Lakes, Illinois, Wisconsin, Minnesota, Iowa, and Missouri were only partially settled before railroads were introduced. The marvelous development of all the great States of the Mississippi Valley came after railroads. There were constant Indian wars for nearly one hundred years after the Declaration of Independence.

Those wars, however, were only successful in defending the settlements where the base of supplies by navigable waters was within reasonable distance. Before the establishment of railroads the Sioux, the Arapahoe, the Apache, the Blackfeet, the Bannock, the Cheyenne, and numerous other tribes roved over fully half the territory of the United States and excluded therefrom white settlements. Many thousands of settlers were slaughtered by the savages on the frontiers, and many Indians were slain in the continual war. In 1862, when the Pacific railroad bill was under consideration, the Secretary of War reported that the expense of the overland mail and the transportation of Army and Indian supplies on the line proposed for the railroad amounted to \$8,000,000 per annum. The law of 1862 required the companies to perform Government service, the payment for which to be applied to the payment of the subsidy. It was supposed that the Government service would more than pay for the subsidy within the period of thirty years. In 1864 the amount to be retained by the Government was reduced to one-half of the service performed. It was then contended that one-half would be sufficient to liquidate the debt by the time it became due. Contrary to expectations, as soon as the road was constructed the freights for military purposes were comparatively nothing, and the mails were a mere bagatelle. The interest accumulated to an enormous amount, but the companies have reimbursed the Government for every dollar they received. Other roads were given land grants and others were built by private capital, and all are to-day worth 200 per cent of their original cost. The continental railroads and their branches put an end to Indian wars and their enormous cost.

Mexico was practically in a state of anarchy when President Diaz commenced the establishment of a stable government. That wise ruler recognized at the beginning of his reign the importance of railroads in maintaining government. He assisted in the building of over 9,600 miles of railroad, which has placed Mexico on a high plane of prosperity and stability.

India was constantly in rebellion, and England was involved in war and expended vast sums of money in maintaining her authority in that country, but finally when railroads were introduced peace and order were established. England has caused to be built in India over 25,000 miles of railroad, and Indian wars are no more.

Egypt presented another like problem. English armies went up the Nile for several years, but failed to accomplish the purposes for which they were organized. Finally England caused to be built over 2,000 miles of railroad. When the railroad train reached the hostile country of the Upper Nile victory was soon achieved and peace established. In establishing peace on the Upper Nile, General Kitchener, of South African fame, achieved his great success.

Spain, during the three hundred years of her rule in the Philippines, was confined to the borders along the navigable waters. She could not maintain her authority in the interior. The United States ought not to pursue the policy of Spain. The cost of maintaining government in the Philippines and pursuing the roving bandits, which they call ladrones, is very expensive. Wagon trains, pack mules, with all the paraphernalia of war, pursuing bandits who take to the brush as the army advances and renew their depredations in another place, is a ridiculous spectacle. The United States has had enough of that kind of war with the hostile Indians in the far West, which happily ceased with the introduction of railroads. Build railroads in the Philippines and the people will be peaceable and industrious citizens. It may be necessary in some cases for the army to guard the building of the roads, as it did in the building of the Union Pacific and the Northern Pacific, but such necessity will be only temporary. Five hundred miles of railroad in Mindanao will open that country to settlement and enterprise. Nearly nine-tenths of the land in that island belongs to the United States, and the resources of Mindanao are said to be marvelously great. Would the people of the United States be in favor of retaining the Philippines if there were no other alternative but to adopt the policy of Spain and govern only a few towns along the coast?

The United States never withdraws from any great enterprise which has been once undertaken. The vast resources of these islands will be ultimately developed. The time must come when every island will be penetrated by railroads, but while the construction of such railroads is delayed vast expenditures must be made without accomplishing much in the development of the country and the establishment of stable government. We know from our own observation how the islands may be civilized and their resources developed cheaply and without delay. Every dollar invested in railroads will come back to the United States. The private business of the railroads will pay. If the United States does not desire to continue the management of the roads after the military necessity for such management shall have ceased, the roads will sell for many times their cost. The Philippines are a most productive country and the Filipinos, if they have markets brought to their doors, will furnish an immense commerce. The commerce that they have carried on under the blighting rule of Spain, without railroads and without any encouragement whatever, is a sufficient guaranty of what they will do when markets are brought to their doors. It is idle to think of establishing schools and churches in the interior of the islands without railroads. The army necessary for that purpose would be too expensive. But schools and churches and all the appliances of a high civilization will follow the railroads in the islands as they do everywhere else. The United States did not seek these islands; they came as the result of war. The people have resolved to keep them. This can be done with small cost in the future by the use of railroads, and not otherwise.

Suppose it costs to build and equip railroads in the Philippines \$40,000 a mile, which would be a liberal estimate. Three hundred miles a year would cost \$12,000,000 per annum, the interest upon which at 3 per cent would be \$360,000 per year, and \$3,000 miles to be built in ten years would cost \$120,000,000, the interest upon which at 3 per cent would be \$3,600,000. It is fair to assume that before the expiration of the ten years the roads would pay more than interest and operating expenses. Policing the islands by that means would be of no expense to the General Government. These figures may be criticised, but they are sufficiently accurate for all practical purposes. There can be no doubt that the building of the railroads would be profitable to the United States in addition to securing stable government for the Philippines.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

#### RECORDS OF VIRGINIA COMPANY OF LONDON.

Mr. LODGE submitted the following concurrent resolution; which was referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring). That under the direction of the Librarian of Congress there be printed and bound in cloth 7,000 copies of the Records of the Virginia Company of London, now in the custody of the Library of Congress, 500 copies for the Senate, 1,500 copies for the House of Representatives, and 5,000 copies for use and distribution by the Library of Congress.*

#### BIBLIOGRAPHY OF THE PHILIPPINE ISLANDS.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved, That the Bibliography of the Philippine Islands, compiled under the direction of the Bureau of Insular Affairs, War Department, be referred to the Committee on the Philippines, be printed as a document, and that 1,000 extra copies be printed and bound, 250 for the use of the Bureau of Insular Affairs and 750 for the use of the Senate.*

#### VALUE OF NICARAGUA CANAL AND FUTURE OF THE PACIFIC.

Mr. MORGAN. I offer a resolution, and ask that it be read and referred to the Committee on Printing.

The PRESIDENT pro tempore. The resolution will be read.

The resolution was read, as follows:

*Resolved by the Senate, That there be reprinted for the use of the Senate the "Views of Commodore George W. Melville, Chief Engineer of the Navy, as to the strategic and commercial value of the Nicaraguan Canal, the future control of the Pacific Ocean," etc.*

And in connection therewith an article by the same author published in the North American Review of March, 1898, "On the future of the Pacific."

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. MORGAN. Mr. President, I desire to send to the committee the papers which I ask may be printed. I wish to say to the Senate that there is, I think, but a single copy of that very valuable and scientific document of Admiral Melville now in the library, and there is a very large demand for it.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Printing.

#### REVISED STATUTES OF THE UNITED STATES.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved, That the Committee on Printing be directed to inquire whether the edition of the Revised Statutes of the United States published in 1878 be out of print, so that none can be furnished for the use of Congress or the*

public, and if, in their opinion, it be desirable and necessary to reprint the same, and legislation be required for that purpose, that they report such legislation.

Also, to report what legislation, if any, be necessary and desirable for the distribution of Volume II and later volumes of the Supplement to the Revised Statutes of the United States to the departments and individuals to whom the Revised Statutes and Volume I of the Supplement have been furnished.

#### SAFETY APPLIANCES ON RAILROADS.

The PRESIDENT pro tempore. The Chair lays before the Senate, under the rule, a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PATTERSON on the 17th of December, 1903, as follows:

*Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to send to the Senate copies of all information and reports furnished by its inspectors showing the condition and defects of train or power brakes, and the operation of trains thereby, as required by the act to promote the safety of employees and travelers upon railroads, approved March 2, 1893, from May 10 to December 31, 1902, on the following named railroads and their leased lines: Baltimore and Ohio, Chesapeake and Ohio, Cincinnati, New Orleans and Texas Pacific, Erie, Illinois Central, Lehigh Valley, Louisville and Nashville, Lake Shore and Michigan Southern, New York, New Haven and Hartford, Norfolk and Western, Pennsylvania, Queen and Crescent, Southern, and Southern Pacific.*

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. FORAKER. Mr. President, by whom was that resolution offered?

The PRESIDENT pro tempore. By the Senator from Colorado [Mr. PATTERSON].

Mr. FORAKER. I do not see him in the Chamber. How does it happen to come up to-day?

The PRESIDENT pro tempore. It was presented on the last legislative day, and comes over under the rule.

Mr. FORAKER. I ask that the resolution be referred to the Committee on Interstate Commerce.

Mr. JONES of Arkansas. What is before the Senate, Mr. President?

The PRESIDENT pro tempore. The resolution offered by the Senator from Colorado [Mr. PATTERSON] in relation to certain information about railroads, which comes over from a previous day, and is before the Senate for its consideration. The Senator from Ohio moves to refer the resolution to the Committee on Interstate Commerce.

Mr. FORAKER. I do not make that motion in any spirit of opposition to the resolution, but only that the committee may know the purpose of it. It seems to be a resolution in which certain railroads are specifically named, with respect to which information is desired. I am in entire sympathy with the legislation which has been enacted providing for the use of safety appliances, automatic couplers, etc., on railroad trains, but I think the resolution should go to the committee, and I make that motion.

Mr. BACON. I would suggest to the Senator from Ohio that possibly, as the Senator from Colorado is absent, any disposition of the resolution might properly be deferred until that Senator is here.

Mr. FORAKER. I think the suggestion of the Senator from Georgia is entirely proper, and I agree that that would be a better disposition of the matter.

The PRESIDENT pro tempore. The Senator from Ohio then asks that the resolution lie on the table—

Mr. FORAKER. Until the Senator from Colorado comes in.

The PRESIDENT pro tempore. To be called up at the request of the Senator from Colorado.

Mr. FORAKER. I made the motion to refer supposing that some Senator who was present had asked for the consideration of the resolution.

The PRESIDENT pro tempore. The resolution goes over.

#### TRANSPORTATION AND SALE OF ANTHRACITE COAL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. JONES of Arkansas December 20, 1903, as follows:

*Whereas on October 4, 1902, a sworn statement or petition was filed with the Attorney-General of the United States by William R. Hearst, charging the existence of an illegal combination or conspiracy among railroads therein named engaged in interstate commerce, the tendency and purpose of which was the establishment of a monopoly in the business of transporting and selling anthracite coal, and in connection with said petition a request was made for permission to present evidence establishing the existence of such a combination;*

*Whereas said petition was referred to the United States district attorney for the southern district of New York, with instructions to receive the evidence proffered and report the same to the Department of Justice;*

*Whereas a protracted interval has elapsed since the filing of the said petition and the submission of such evidence;*

*Resolved, That the Attorney-General be, and he is hereby, directed to transmit to the Senate the evidence presented by said petitioner, together with the report thereon by said United States district attorney.*

Mr. LODGE. Mr. President, I objected and asked that that

resolution should go over when it was introduced before the holiday recess. Since then I have taken occasion to examine it, and I am satisfied of the justice of my objection.

We have a Department of Justice and an Attorney-General, to whom, we are to suppose, certain evidence has been referred which has been placed in the hands of the district attorney of New York for consideration. I do not know whether they are going to bring suit on that evidence or not; but I am satisfied if the Government is going to take any action in the direction of the evidence there alluded to, that the surest way to defeat that action would be to compel the Government to produce such evidence as they have collected and such arguments as the district attorney may have submitted to the Department of Justice here. It seems to me that it would be certain to prevent the Attorney-General of the United States from carrying out and prosecuting to success any suit if he were obliged, through a public document, to disclose to the Senate of the United States all that he was doing. It seems to me it would be a great mistake to pass any such resolution as that.

I believe we can put entire confidence in the Attorney-General and in his action in such cases. We know that this evidence is before him. We have no means of knowing whether the interval has been unduly protracted or not, though that I suppose to be the view of Mr. Hearst. I do not think when there is a case before the Attorney-General, which is there with a view to action, that we should compel him to produce the evidence and the report of the district attorney on which he is to take action and make them public beforehand. I hope the resolution will not be adopted.

Mr. JONES of Arkansas. Mr. President, I do not see how asking for information from the Attorney-General can in any sense be considered a reflection on that officer or on the manner in which he discharges his duties. The statement has been published all over the country that the information was furnished to the Department of Justice; that Mr. Hearst had in his hands evidence which would prove that certain railroad companies engaged in interstate commerce had entered into an illegal combination or conspiracy in connection with the coal business. The Senator from Massachusetts [Mr. LODGE] told the Senate this morning that there is a condition of suffering in New England—that the manufacturers of New England to-day and the poor people are absolutely suffering for the want of a sufficient coal supply.

Now, if it is a fact that Mr. Hearst has furnished to the Attorney-General evidence which will prove that certain railroad companies engaged in interstate commerce have entered into an illegal conspiracy for the purpose of controlling the coal trade and suppressing the use of coal, it is a fact that ought to be known to the Senate of the United States and to the people.

While I agree with the Senator from Massachusetts in having confidence in the Attorney-General, I have confidence also in the Senate of the United States, and I believe it can do no harm to the public interests for this body to know as to the truth of charges of this kind. If the evidence has been presented which will satisfy reasonable men that certain railroad companies have engaged in this sort of conspiracy, it is time the Senate of the United States should know the fact, and there is no reason why it should be suppressed and held in the hands of one officer of the Government.

I hope the Senate will adopt the resolution.

Mr. SPOONER. I ask that the resolution may be again read. The PRESIDENT pro tempore. The resolution will be again read.

The Secretary again read the resolution.

Mr. SPOONER. Mr. President, I think the Senator from Massachusetts [Mr. LODGE] is quite right in the view he takes of this resolution. The object of the petition which was granted by the Attorney-General and the object of furnishing evidence of a general conspiracy, if one exists—and if one does exist it is a very merciless and wicked one, violating the laws of the United States and most harmful in every way—was to secure the institution of a suit against the defendant, evidently by the Attorney-General, in the name of the United States, probably under the Sherman antitrust law or some kindred law, by which there might be brought about through a writ of injunction or otherwise a remedy.

Now, this resolution means one of two things—that the Senate shall say that, in utter ignorance of the extent to which this investigation has gone, or the purpose or the judgment of the district attorney or of the Attorney-General upon the evidence thus far presented, he is neglecting his duty. That is the object, I suppose, of the statement in this resolution as to the long interval which has elapsed. Certainly it must be apparent to anyone that if a suit is to be brought by the United States against such a combination it is not in the public interests or in harmony with good sense that before the institution of the suit all the evidence upon which the Attorney-General proposes to proceed shall be given to the defendants.

Mr. JONES of Arkansas. There is no suggestion in the resolution that all the evidence upon which the Department is to proceed shall be presented. The resolution asks for the evidence which Mr. Hearst proposed to present to the Department, which he thought was sufficient to establish the fact of this conspiracy.

Mr. SPOONER. But, as I understand from the resolution, the evidence which he thought was sufficient has been presented; it has been received; and possibly the Attorney-General regards it as of very great importance, but is pursuing a further investigation and obtaining additional testimony, and this would very likely call for a portion of the testimony which he proposes to use in a suit which he intends to bring. If such a time had elapsed as that it would be obvious that the Attorney-General had decided not to bring suit, and the purpose was to bring him to the bar of public opinion for some neglect of duty, the situation would be different, but the matter is a pending matter. We have never had, I think it is safe to say, an Attorney-General less likely to be derelict in instituting a suit in such circumstances than the present Attorney-General of the United States. He has shown no want of firmness or promptitude or courage in the institution of such suits.

Mr. CULLOM. Will the Senator from Wisconsin allow me to make a suggestion?

Mr. SPOONER. Certainly.

Mr. CULLOM. The very purpose of the work of the Attorney-General in finding out whether any one is guilty might by publicity be thwarted to such an extent that the Attorney-General would not be able to make his case.

Mr. SPOONER. That is what I have already stated.

Mr. JONES of Arkansas. Will the Senator from Wisconsin allow me to say a word in reply to the suggestion of the Senator from Illinois? If the belief of Mr. Hearst that he has presented evidence which will prove this fact should be made public, how can it interfere with anything if the evidence is already there to make it complete?

Mr. SPOONER. It is not a question of the belief of Mr. Hearst that the evidence is adequate or inadequate. That is the opinion of Mr. Hearst. The opinion of the Senator from Arkansas if that evidence were submitted to him, he being a lawyer, might differ from the opinion of Mr. Hearst. It may very well be that the testimony submitted by Mr. Hearst is very important as a part of the case and as affording leads which are to be followed and presumably are being followed, if possible, by the Attorney-General in a further investigation.

Mr. JONES of Arkansas. My suggestion was in reply to the observation of the Senator from Illinois that the exposure of this fact might defeat action. My suggestion in reply to that was that if the evidence had been presented which would prove the allegations, how could the fact that the Senate knew it interfere with any proceeding?

Mr. SPOONER. If the evidence presented by Mr. Hearst, with other evidence gathered by the Attorney-General, who presumably is doing his duty, constitutes in his opinion a case on behalf of the United States against conspirators, obviously it ought not before the suit is begun to be put into the hands of the contemplated defendants. That is a proposition which proves itself.

I have been of the opinion that probably there was such a conspiracy, and I take it there will be no debate in the country that if there be such a conspiracy it is one which should be prosecuted as one absolutely wicked in its character and far-reaching in its deleterious effects and results. But I do not think the Senate of the United States, knowing so little of the situation as the Senate does, should take the preparation of the case out of the hands of the law officer of the Government whose duty it is under his oath, when he has made a case which he considers adequate, to secure relief and lay the Government's case before the defendants—of course, if you lay it before the Senate you lay it before the defendants—thereby, of course, advising them in advance of the line of pleading and proof upon which the Attorney-General intends to rely and affording them an opportunity to arrange records or whatever may be thought wisest by them or their counsel to defeat the suit when brought. On reflection—

Mr. BACON. I should like to ask the Senator from Wisconsin a question, with his permission.

Mr. SPOONER. Certainly.

Mr. BACON. I suppose there has been some information gained from the Attorney-General by Senators who oppose this motion, and I ask the question for the purpose of governing my action.

Mr. SPOONER. So far as I am concerned, I know nothing about it.

Mr. BACON. Possibly the Senator may listen to information from some of his colleagues. I want to ask the question.

Mr. SPOONER. I know only this, that the Attorney-General will not stop to bring a lawsuit in the name of the United States against such defendants the moment he thinks he has a case which will justify him in bringing such a suit; and I assume that

the Attorney-General is doing his duty; that he is prosecuting supplementary investigations, with those perhaps indicated by Mr. Hearst, and that we ought not, without knowing something more definite about the status of the matter, to direct him to give to the world the evidence which he has accumulated.

Mr. BACON. The question I desired to ask the Senator from Wisconsin is whether he or those who agree with him in the position he takes are prepared to say to the Senate that the Attorney-General, upon the information which has been thus furnished him, is of opinion that there is such a case as requires him to further prosecute the inquiry.

Mr. SPOONER. I am not.

Mr. BACON. The Senator says he has confidence in the Attorney-General, and I certainly do not desire to intimate that anyone has any other opinion of him or should have any other, but the Senator will note that the Attorney-General may not be of opinion on these facts that further prosecution of inquiry is required. I think before we pass upon the consideration of this matter and act upon the suggestion made by the Senator from Massachusetts and the Senator from Wisconsin, we should at least have the assurance that the Attorney-General considers this such a prima facie case that he is now engaged in the prosecution of an inquiry, and that he desires to be permitted to proceed with it without making disclosures.

Mr. SPOONER. That ought to have been ascertained before the resolution was introduced. I know nothing about the desire of the Attorney-General in the premises or the status of the matter. Nor does the Senator. So far as I know neither does any other Senator.

Mr. BACON. The Senator will pardon me in this connection. In view of the length of time which has elapsed without any action, so far as we know, does not the Senator think we should at least have from those who have every opportunity to get it the assurance of the Attorney-General that he is engaged in the prosecution of the matter and that in his opinion a disclosure might result in injustice?

Mr. SPOONER. That is an entirely different proposition. The Senator agrees with me. I am opposing this resolution as improvident and improper in the absence of knowledge as to what the Attorney-General is doing, what progress he has made, if any, and as to the general status of the matter.

Mr. BACON. I am very happy whenever I can agree with the distinguished Senator from Wisconsin—

Mr. SPOONER. I also am happy.

Mr. BACON. Because I have every assurance that we are right when we do agree. But I desire to say this to the Senator in the utmost good faith. I do not think we entirely agree.

Mr. SPOONER. I am unhappy to hear that.

Mr. BACON. The point of divergence is this: I quite agree that if an investigation is being prosecuted which would be defeated by this disclosure, there ought not to be the disclosure; but when a sufficient length of time has passed or there has been a sufficient time in which some development could have been manifested and there has been none, and when this proceeding is initiated here for the purpose of getting the information, it seems to me we ought at least to have the information from the Department, conveyed informally, if you please, that there is now being prosecuted by the Department such an investigation as would make it improvident and improper to make the disclosure sought by the resolution.

On the contrary, the position of the Senator from Wisconsin is that in the absence of this information, although this great time has elapsed, we ought to assume that the Attorney-General is prosecuting it and that therefore it would be improvident to ask for the information. There I think we differ. We agree on the proposition that if the Attorney-General has found in the information given to him that there is a basis upon which should be rested further investigation and that he is prosecuting that investigation, then there ought not to be the disclosure. But we disagree as to whether or not after so great a length of time we are to assume it or whether we are to have the assurance—

Mr. McCOMAS. What length of time?

Mr. BACON. The length of time, I understand, disclosed by the resolution. I do not know exactly what it is.

Mr. McCOMAS. It is not stated. It is simply an opinion as to the time.

Mr. LODGE. Mr. Hearst's opinion.

Mr. McCOMAS. It says "a protracted interval." The resolution recites that in October the petition was filed. It alleges that the petition was submitted to the Attorney-General, and thereafter the evidence was submitted, and that a protracted time has expired since the evidence was submitted. Does the Senator know when the evidence was submitted? That is quite material here.

Mr. BACON. I do not know.

Mr. McCOMAS. Well; does the Senator from Arkansas know when the evidence was submitted?

Mr. JONES of Arkansas. I do not know.

Mr. McCOMAS. Well.

Mr. JONES of Arkansas. But I presume that if the Attorney-General asked to have it submitted, it was submitted at once.

Mr. McCOMAS. You presume.

Mr. JONES of Arkansas. I presume so because I presume the Attorney-General is discharging his duty.

Mr. McCOMAS. But if the Attorney-General on the 4th of October received the petition, and in a reasonable time had attention brought to it and notified the district attorney in New York, then we should know when it was that Mr. Hearst submitted the evidence. We should not assume, against the Attorney-General and against the energy of the district attorney, that the persons who proffered the evidence were not slow or that they promptly submitted the evidence. The pending resolution alleges that there was a protracted interval between the submission of the evidence and the 20th day of December, when the resolution came in.

Mr. BACON. Mr. President—

Mr. McCOMAS. Now, Mr. President, if the Senator will allow me, and if I am not talking in the time of the Senator from Georgia—

Mr. BACON. The Senator from Wisconsin is the Senator of whom permission should be asked.

Mr. SPOONER. I yield.

Mr. McCOMAS. I submit to Senators that there is not and has not been an Attorney-General or a district attorney who would not be eager and swift, upon the submission of a case, to bring to punishment the perpetrators of a colossal crime such as is alleged in this preamble. But when a crime is thus described, which all men would be glad to punish, and it is alleged that there has been delay by the Attorney-General or by the district attorney, that the interval of time has been so protracted that the Senate should have the matter here, Mr. President, it is plain that, before we impute to the district attorney or to the Attorney-General that there has been protracted delay in a large and widespread investigation of the scope indicated by this resolution, we ought to be sure, as has been said before, that we are not now further delaying the matter.

Suppose the papers are sent here. It may happen that the evidence was submitted to the district attorney in New York on the 15th day of December, and on the 20th of the same month the resolution appeared here to have the matter investigated by the Senate. What does the Senate do? Bring it here and refer it to a committee—the Committee on Interstate Commerce or the Committee on the Judiciary; and what will they do? Proceed, perhaps, to have their investigation, and in doing it give away all the evidence upon which the prosecution might have been based and successfully carried on. And if you bring it here the district attorney of New York and the Attorney-General must cease their work, and what then? In the midst of winter, when the great charge is made by Mr. Hearst that in his opinion this thing is being done by various railroads, the whole hand of the Government is given away, and what is the purpose? It is said, "Let the evidence submitted by Mr. Hearst be submitted to the Senate." I do not know, but I venture the assertion that the evidence submitted by Mr. Hearst has already found its way into the newspapers somewhere and that the public has it. But the district attorney, if he be assumed to be doing his duty, may have other information which would be brought out by the investigation in progress.

I do not desire longer to take the time of the Senator from Wisconsin or the Senator from Georgia. The resolution is ill conceived, I submit respectfully, improvident, and hurtful of its author's purpose. It does that, and does something more. It imputes to the Attorney-General and to the district attorney negligence without a disclosure of facts which would constitute negligence on their part. Then there is the mere assertion in the resolution that the time has been protracted, when perhaps there may have been only a week between the submission of the evidence to the district attorney and the introduction of the resolution. It is not just to those officials nor just to the purpose of the Senator from Arkansas if he desires to punish the alleged iniquity of these railroad corporations.

Mr. TILLMAN and Mr. SPOONER addressed the Chair.

The PRESIDENT pro tempore. The Senator from South Carolina.

Mr. SPOONER. Have I not the floor?

The PRESIDENT pro tempore. No; the Senator from Maryland was recognized in his own right.

Mr. SPOONER. I yielded for a question.

Mr. McCOMAS. I understood the Senator from Wisconsin to yield.

Mr. TILLMAN. I will gladly yield the floor to the Senator from Wisconsin, but I wish to ask the Senator from Maryland a question. I should like to know of that Senator just how much

time he would consider it necessary for the Attorney-General and the district attorney to have in order to make up their minds as to whether they had a prima facie case which would warrant prosecution.

Mr. McCOMAS. Will the Senator from South Carolina tell me how much time they did have, and then I can answer the question.

Mr. TILLMAN. I have not that time, and no other Senator over here seems to have it. I think before we settle this question we ought to have it—

Mr. McCOMAS. I think so.

Mr. TILLMAN. Because we appear to be bolting about in the dark trying to find somebody to hit—

Mr. McCOMAS. I agree with the Senator.

Mr. TILLMAN. We are trying to hit—or pretending to try to hit—the trusts. I do not know what a trust is. Nobody seems to be able to describe it in legal phrase. Anyway, the thing we are trying to hit is a trust, a monopoly, a combination, unholy and outrageous, to keep the people from getting coal, as I take it. I want to know of the Senator just how much time an Attorney-General who is in earnest would want.

Mr. McCOMAS. In reply to that question, I should want to know how much time has been allowed. I am confident there is no Senator on this floor who would not be glad and be swift to help punish the offense alleged in this preamble, but there should be some disclosure of facts here before we impute to these officials that they are not so eager as we are to bring about proper punishment.

Mr. JONES of Arkansas. That is what you are trying to prevent.

Mr. McCOMAS. Why say "a protracted interval" if the Senator who offers the resolution can not tell us whether it be five days or two weeks?

Mr. JONES of Arkansas. You are trying to prevent the bringing of the facts here. You say we ought to have the facts and to know the facts, and yet are unwilling to adopt the resolution.

Mr. McCOMAS. Why should not the Senator from Arkansas ascertain—it takes little effort—whether much time has elapsed? When was the evidence submitted?

Mr. JONES of Arkansas. If I may be allowed—

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Arkansas?

Mr. McCOMAS. I yield.

Mr. JONES of Arkansas. The purpose of the resolution is not to criticize the Attorney-General. If I were undertaking to criticize the Attorney-General, I should take the course suggested by the Senator from Maryland. Mr. Hearst has presented evidence which, as he believes, is proof of this illegal conspiracy. That is what the resolution says Mr. Hearst believes. Now, if he has presented such evidence and it is sufficient to convict the railroads of this offense, I can not conceive how it could weaken the Government's case in any sense for the Senate to know those facts as well as the Attorney-General; and the Senate has a right to know them.

Mr. SPOONER. Mr. President—

Mr. CULLOM. I should like to ask who has the floor?

Mr. McCOMAS. I yield to the Senator from Illinois.

Mr. CULLOM. I should like to know if any Senator is informed whether a suit has been brought by the Attorney-General or the district attorney.

Mr. JONES of Arkansas. I do not know. I should like to know the facts, and the object of the resolution is that the Senate may know the facts.

Mr. CULLOM. Here we are debating the passage of a resolution calling upon the Attorney-General for information in reference to this alleged conspiracy when nobody in the Senate knows whether or not the Attorney-General is prosecuting a suit. Why should we be, as the Senator from South Carolina says, bolting about here in the dark—

Mr. JONES of Arkansas. We want to know.

Mr. CULLOM. Undertaking to pass a resolution as to a matter about which we know nothing whatever.

Mr. JONES of Arkansas. We desire to find out something.

Mr. CULLOM. We do not know whether the Attorney-General—

Mr. JONES of Arkansas. We want to find out.

Mr. CULLOM. We do not know whether the Attorney-General is prosecuting the railroad companies or whatever corporations may be engaged in these practices, if any. Now, let us find out some of the facts—

Mr. JONES of Arkansas. We should like to find out. That is what we want.

Mr. CULLOM. Without publicly asking for a report to be sent here by a resolution which in a way seems to create the impression that the Attorney-General is not doing his duty.

Mr. JONES of Arkansas. That has been suggested by the other side.

Mr. CULLOM. It seems to me we ought first to ascertain the facts.

Mr. HOAR. Will the Senator from Illinois allow me to ask one question of the Senator from Arkansas? If Mr. Hearst has presented certain evidence to the Attorney-General which he thinks it important the Senate should know, why does he not present it to the Senate also?

Mr. JONES of Arkansas. I can not speak for Mr. Hearst. I am speaking for myself. In view of the fact that newspapers allege that more than three months ago a statement was made to the Attorney-General that Mr. Hearst had evidence which he believed sufficient to convict these people of this crime, and the papers say this has been in the hands of the Attorney-General during these three months, I, as a member of the Senate, would like to know, and I presume all Senators would like to know what this evidence is, and then they can make up their own minds whether or not it is sufficient to reach the case.

Mr. HOAR. My question is this: Supposing Mr. Hearst to feel as he does, why does he not send the information to the Senate?

If I may be pardoned for one moment, if a citizen has in his possession evidence in regard to the conduct of certain public corporations which he thinks should be the foundation of legislation or which would instruct us in legislating, why does he not give it to us himself, if he is interested in the matter, or why does not the Senator from Arkansas ask Mr. Hearst to give it to him? The Senate is not the grand inquest of the country. The House of Representatives is the grand inquest, and if there is failure of duty on the part of the Attorney-General, that body is to inquire into it. The Senate is not a judicial tribunal clothed with criminal jurisdiction. That is vested in the courts. So all that the Senate has a right to ask for, unless we are sitting as a court of impeachment of somebody, is for information that will help us in legislating.

Now, if this information in the possession of a citizen will help us in legislating, why should we go to another department of the Government and make them tell us what the citizen has told them he has? I do not see why the gentleman to whom the Senator refers does not send it to us if he wants us to know it, or if the Senator wants us to know it, why he does not ask him for it.

Mr. JONES of Arkansas. The Senator inquires of me why I do not ask Mr. Hearst for this information. The Senate of the United States has the right to direct the Attorney-General, as an officer, a servant of the United States, to send to the Senate any information he has.

Mr. HOAR. Where does it get that—

Mr. JONES of Arkansas. If the Senator will allow me to answer one part of his question at a time I will be obliged to him.

We have no authority to direct any private citizen to furnish information here. We have no control over them. The point is simply this: This evidence is in the hands of the Attorney-General. The suggestion has been made here that the Senate ought not to take it out of the hands of the Attorney-General. There is no proposition to take it out of his hands. I have no desire that it shall be taken out of his hands, but it is a great question, one that is challenging the attention of Senators all the time, and if the Attorney-General has information bearing upon this important question, I see no reason why the Senate should not have it, and I do not understand why gentlemen on the other side of the Senate Chamber should undertake to get away from this question of getting information and undertake to make it a motion to criticize the Attorney-General or to criticize Mr. Hearst. It seems to me we ought to determine whether or not the Senate wants this information.

Mr. McCOMAS. Does the Senator know when the petition was referred to the district attorney?

Mr. JONES of Arkansas. No, I do not know; I am not criticizing the Attorney-General; I am not finding fault with the Attorney-General. If I was finding fault with him, then I would want to inquire about all those details. What I said is that this information, as alleged by newspapers, was furnished to the Attorney-General three months ago, and I should like for the Senate now to take up the matter, so that the country and the Senate may know what the facts are.

Mr. McCOMAS. The Senator wants the information furnished to the Attorney-General. That was the petition of Mr. Hearst.

Mr. JONES of Arkansas. No; it was not.

Mr. McCOMAS. That was the petition of Mr. Hearst.

Mr. JONES of Arkansas. No; it was not.

Mr. McCOMAS. The resolution says so.

Mr. JONES of Arkansas. You are misinformed.

Mr. McCOMAS. It says that on October 4 the sworn petition was filed by Mr. Hearst.

Mr. JONES of Arkansas. If you will read the whole of it, you will find that you are not stating it correctly.

Mr. McCOMAS. It says the evidence proffered by Mr. Hearst

was submitted to the Attorney-General and submitted to the district attorney. Has the Senator information as to the fact that it was submitted? Because if it was, and when it was, is as important as what it was, to warrant the Senate in adopting this resolution.

Whereas a protracted interval has elapsed—

Now, there are two things—

A protracted interval has elapsed since the filing of the petition and the submission of such evidence.

The resolution tells us that the petition was filed by Mr. Hearst on October 4. Can the Senator tell the Senate when the evidence was submitted to the district attorney by Mr. Hearst, or whether in fact he ever submitted the evidence to the district attorney?

Mr. JONES of Arkansas. The Attorney-General can tell us that when he answers the resolution.

Mr. MCCOMAS. I think the Senator from Arkansas would do well to strike out the third whereas and thus escape the unjust imputation upon the district attorney and the Attorney-General.

Mr. SPOONER. Will the Senator allow me to interrupt him long enough to say a word?

Mr. MCCOMAS. I will yield now to the Senator from Wisconsin.

Mr. TILLMAN. Will the Senator from Wisconsin be kind enough to allow me to ask a question that may throw some light upon this question?

Mr. SPOONER. Of whom?

Mr. TILLMAN. The Senator from Massachusetts.

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Wisconsin yield?

Mr. SPOONER. I yield.

Mr. TILLMAN. I understood the Senator from Massachusetts who first objected to the passage of this resolution to say that he had investigated it since and that he had information which led him to know or to feel that it would be unwise to disclose the Government's case, or to show its hand, or something along that line. Possibly he can give us light on the question, which we are all asking, as to when this evidence was submitted, or whether any evidence was submitted.

Mr. LODGE. I dislike to state that the Senator from South Carolina could ever be inaccurate, but that is not what I said.

Mr. TILLMAN. I am trying to give the substance or the meaning and not the exact words.

Mr. LODGE. I said nothing resembling it. I said I had considered the resolution and examined it myself.

Mr. TILLMAN. And had information.

Mr. LODGE. I said nothing about having information. I said I had considered the resolution since I objected to it, and had examined it and was satisfied—

Mr. TILLMAN. I will now ask the Senator from Massachusetts, with the permission of the Senator from Wisconsin, if he has any information from the Attorney-General's Office as to whether any evidence has been submitted by Mr. Hearst or anybody else?

Mr. LODGE. I have had no information. I assume that the Attorney-General is doing his duty, and I do not propose to question that he is doing his duty until I have something more to go upon than a vague statement in a resolution.

Mr. TILLMAN. I am satisfied now that nobody here seems to know what we are all seeking to know. We recognize that there has been a petition filed, and there is an assertion in this resolution that a protracted interval has intervened following the filing of the petition, but nobody knows whether any evidence was ever submitted, and until we get information on that subject, I submit to the Senator from Arkansas that we had better defer action upon this resolution and not be unjust to the Attorney-General. He says himself he does not want to do anybody injustice, and I am sure there is nobody here, certainly on this side, and everybody knows there is nobody on the other side, who would do the Attorney-General an injustice. It is merely a question, it appears to me, whether we are honest with ourselves, and whether you gentlemen who are introducing changes in the tariff laws and opposing joint resolutions changing the tariff laws on the same subject in regard to this coal strike really mean anything or intend to do anything. We are trying to get some light on that subject, and that is the whole of this matter.

Mr. SPOONER. Mr. President, only a moment. I do not think there is any foundation for the suggestion of the Senator from Arkansas that anyone has criticised Mr. Hearst. I think Mr. Hearst did his duty as a citizen of the United States.

Mr. JONES of Arkansas. I was unfortunate in the use of language if I made any statement of that sort. I said I did not see any reason why an effort to criticise the Attorney-General or to bring Mr. Hearst into the controversy should divert us from the resolution itself.

Mr. SPOONER. The only way Mr. Hearst has been brought

into the controversy is by having his name mentioned in the resolution itself as having filed the petition and submitted evidence. It was a very proper thing for him to file the petition and a perfectly proper thing for him to submit the evidence, if he concluded to do it. It was a very proper thing for the Attorney-General to grant the petition, if it appears he did, and to refer it to the district attorney in New York in order that Mr. Hearst might there, where they both live, submit the evidence. I think, too, it has been a very proper course on the part of Mr. Hearst that he has allowed the evidence submitted to remain unpublished in the hands of the Department of Justice. Mr. Hearst at any time could have given this evidence to the public through the columns of his newspapers. He wisely abstained from doing so, and the motive which could very properly induce him to abstain is one which, I think, should induce the Senate to abstain in the present state of our information.

I knew nothing of this resolution until this morning. I have assumed that the Attorney-General is prosecuting his duty.

The Senator asked the Senator from Maryland how long, in his opinion, it ought to take the Attorney-General to prepare this case or to satisfy himself as to the bringing of a suit. That is a question upon which no lawyer can form an opinion who has not the matter in hand. Such investigations sometimes take a long time. It is not merely a prima facie case always. Especially where a lawyer is bringing suit against men with unlimited capital, who have built around themselves, through the assistance of most skillful and able lawyers, every possible safeguard, he desires to thoroughly understand what he can do and to thoroughly explore the whole situation before he puts the matter into court. He wants to be reasonably certain, as a lawyer, that he can succeed.

Although we have, as the Senator from Arkansas says, power in a general way to direct the Attorney-General, we have never been in the habit of directing the Attorney-General to disclose to the public evidence which he has accumulated and which he intends to use in the prosecution of a suit pending or to be brought. The Attorney-General is prosecuting a vast number of cases throughout the United States for counterfeiting and for all manner of offenses. The Senate never has assumed that it can direct this judicial officer, this Government prosecutor, to lay before the defendant and before the world the evidence upon which he proposes to bring a suit or upon which he proposes to secure a conviction or a verdict or judgment or decree in favor of the Government. It is one of those matters of which the Attorney-General must be the judge.

If it were known that the Attorney-General has decided that the evidence submitted by Mr. Hearst is insufficient to warrant the bringing of a suit, then there would be some reason in the proposition that the evidence submitted to him by Mr. Hearst should be given to the public in order that the public might judge for itself whether the Attorney-General had acted wisely or unwisely, and it would not require the intervention of the Senate, either, to lay it before the public; Mr. Hearst could do it any morning that he saw fit.

Mr. JONES of Arkansas. Will the Senator allow me a question right there?

Mr. SPOONER. Certainly.

Mr. JONES of Arkansas. How is the Senate to ascertain whether the Attorney-General has arrived at such a conclusion or not? It has been three months since this matter was brought to his attention. I am judging simply by what I saw in the papers. I have no information further about it than that the matter has been referred to the district attorney in New York. Now, if the district attorney in New York has reported that this evidence in his opinion was not sufficient and if that should be the condition in the Attorney-General's Office, there would be an exact compliance with the condition suggested by the Senator from Wisconsin.

Mr. SPOONER. The Senator is putting no question to the Attorney-General to ascertain the status of this matter. He is assuming that the Attorney-General has decided not to bring the suit and therefore asks him to lay before the public the evidence submitted by Mr. Hearst. The resolution is based on that assumption.

Mr. JONES of Arkansas. The Senator does me an injustice when he attributes that assumption to me.

Mr. SPOONER. I speak of the resolution.

Mr. JONES of Arkansas. There is nothing in the resolution which warrants that assumption. It is simply a request for information upon a great question in which the Senate is interested.

Mr. SPOONER. Oh, well—

Mr. JONES of Arkansas. I want to say again that I did not intend by this resolution to take the matter out of the hands of the Attorney-General. I simply believe that the Senate of the United States is entitled to know what steps are being taken and what progress is being had, and this would not in any way interfere with him in the discharge of his duty.

Mr. SPOONER. What the public is interested in, and what the Attorney-General is interested in, and what the Senate is interested in, is in determining, through the Attorney-General's investigation, whether this conspiracy exists or not, and in dissolving and destroying it if it exists.

Mr. JONES of Arkansas. I agree to that.

Mr. SPOONER. It is interested in that. That is the object, if there is any honest purpose in this proceeding.

Mr. JONES of Arkansas. That is right.

Mr. SPOONER. It is not to exploit before the country partial or fragmentary evidence tending to support the charge of monopolies and conspiracies. The Attorney-General ought to be permitted, on the assumption that he is doing his duty, to follow this thing, using the evidence submitted by Mr. Hearst as far as it goes, acquiring such further evidence as it is possible for him to acquire, taking the time necessary to enable him, in a lawyer-like way, doing his duty by the Government and people, to accomplish it, to get at the truth, to prepare himself for trial, and then to bring his suit and press it to a conclusion.

It is not the function of the United States Senate, nor is it in the interest of the public, to hurry the lawyer of the Government to a decision before he is ready as a lawyer to decide, or to call upon him to give to the public partial evidence or evidence a portion of which he intends to use in a prosecution.

If I had known of this resolution before it came up I would not have hesitated to talk with the Attorney-General about it. There is no one who will not be glad to learn, if it be the truth that there is such a conspiracy, that it is amenable to the laws of the United States and that the strong arm of this Government in a proper judicial proceeding conducted by the Attorney-General can be used to destroy it. But that is not the object of this resolution. I think my friend ought not to press the resolution at this time until something further is learned as to what the status of this matter is.

Mr. BACON. I desire, before the Senator takes his seat, to say to him that I quite agree with the last remark he made; and if the Senator, or some one, will be prepared to give us the information to-morrow as to the status in the Attorney-General's Office—

Mr. SPOONER. I am not a member of the Judiciary Committee.

Mr. BACON. I am speaking of some one.

Mr. SPOONER. The Senator can inquire of the Attorney-General. If I see him, I will inquire of him, but I do not enter into any agreement about it.

Mr. BACON. The Senator did not permit me to conclude. I was going to make a suggestion. I desire for myself that the information shall be had from the Attorney-General's Office, and I say very frankly, if the Attorney-General shall state that they are engaged in making further inquiry, I myself am content that it shall rest there.

Mr. SPOONER. I think the resolution should be referred to the Committee on the Judiciary, and that committee can make the proper inquiry.

Mr. FORAKER. Mr. President—

Mr. SPOONER. I make that motion.

Mr. FORAKER. I was about to suggest that the resolution shows on its face that the Attorney-General is engaged in the prosecution of this investigation. The resolution recites that Mr. Hearst has presented to the Attorney-General a petition asking the privilege of submitting testimony to the Department of Justice in support of certain charges which are named in the resolution. The resolution further recites that subsequently the Attorney-General referred that to the United States district attorney for the southern district of New York, and it further recites that Mr. Hearst appeared before the United States district attorney for New York and there presented the testimony which he desired the Department of Justice to investigate. That is all it recites. We are not told when this occurred.

This is a most serious charge, as has been well said and repeatedly said by those who have spoken in this debate. We are bound to assume that the Attorney-General, being responsible for such a prosecution as he is asked here to bring, would want to thoroughly examine the whole subject, and in that behalf he would have to consider not only the testimony of Mr. Hearst, but other testimony which he might think it desirable to have. He might prefer his own judgment as to the competency of the testimony and the sufficiency of testimony, he being a lawyer of long experience, to the judgment of Mr. Hearst, who is not, I believe, a practicing attorney at all. He would not only want to examine testimony as to the fact, in which he might differ from Mr. Hearst, but he would want, if he thought there was testimony to be had that would support these charges, to examine other questions. He would not only look at it as to the sufficiency of testimony and as to its availability, but he would also have to consider jurisdictional questions. Where should this suit be

brought? What court will be the court of competent jurisdiction to entertain such a proceeding as is here suggested?

The resolution recites that he not only referred it to the district attorney, through whom, at New York, he would bring the suit, in all probability, but it recites that he directed the district attorney to examine as to the testimony whereby the charges were to be supported and then to make a report to him on the same. Does any Senator imagine that the district attorney would simply send him this evidence the moment it might be submitted by Mr. Hearst? We all know that he would be derelict in his duty if he did not make a thorough examination of the whole subject, an examination not only as to what testimony could be produced and its availability and its competency, but also an examination as to the forum in which it should be presented and the character of procedure which should be resorted to. That can not be done in a day.

Senators have spoken about an unusual delay, and it has been stated that a protracted period has elapsed. This resolution recites that to be the case. Mr. President, it does not seem to me that the Attorney-General has taken any unreasonable time. I do not believe that any careful lawyer such as the Attorney-General of the United States should be, such as the district attorney for the southern district of New York should be, and such as we know him to be, could be expected to examine the testimony, to examine all the jurisdictional questions, and make a report, considering how much other business they must of necessity meanwhile be attending to, before the time that has now elapsed.

The petition was presented to the Attorney-General in October. This is only the beginning of January. It is a suit which if it is brought at all will challenge the strongest interests in this country and will lead undoubtedly to one of the most earnest contests that it would be possible to have in a court of justice. An Attorney-General would be derelict in his duty in contemplating the bringing of such a suit if he did not fortify himself not only in securing the testimony, and all the testimony attainable, but also in examining every phase of a legal nature that will attend the prosecution of this inquiry.

I think, therefore, on the face of it, the resolution recites that which shows that it would be improvident for us to adopt it at this time. I am not going to stop to repeat what the Senator from Wisconsin [Mr. SPOONER] so well said, that if the Attorney-General is to bring this suit, if he determines to bring the suit as a result of the inquiry, nothing could be more ill advised, if we are in earnest in desiring to support him, than to require him now to present all this testimony in the Senate of the United States, which would be the same thing as furnishing copies of it all to those who are to be the defendants in this litigation.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

#### THE COMMITTEE ON THE JUDICIARY.

Mr. HOAR. I ask unanimous consent that during the remainder of the session the Committee on the Judiciary shall have leave to sit during the sessions of the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the Committee on the Judiciary be allowed to sit during the sessions of the Senate. Is there objection? The Chair hears none.

#### STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. FORAKER. In the absence of the Senator from Pennsylvania [Mr. QUAY], who has had charge of this bill, I have been requested to take charge of it. When we adjourned for the vacation it is my recollection that the Senator from Minnesota [Mr. NELSON] was about to address the Senate.

Mr. BEVERIDGE. That is correct.

Mr. FORAKER. I would like to inquire of him whether he is now prepared to proceed, and if he so desires I yield for that purpose.

Mr. PROCTOR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Vermont?

Mr. NELSON. Certainly.

Mr. PROCTOR. I should like to ask the Senator in charge of the bill if he will give way for two or three minutes to allow me to ask for an agreement on the militia bill.

Mr. FORAKER. I agree that the bill may be temporarily laid aside, without prejudice, its consideration to be resumed.

Mr. BATE. It is not to displace this bill in any way?

Mr. FORAKER. Oh, no.

Mr. PROCTOR. Certainly not.

Mr. FORAKER. The bill is not to be displaced. It will not be prejudiced by temporarily laying it aside. I should like to ask the Senator from Vermont, however, how much time he will probably take.

Mr. PROCTOR. Oh, not many minutes.

Mr. FORAKER. Very well.

#### EFFICIENCY OF THE MILITIA.

Mr. PROCTOR. Mr. President, between the divers and sundry matters of the morning hour and the question of three embryo States as the unfinished business, the corps of militia bill seems to have a very small chance. I desire to ask if there can not be some agreement made when a vote can be taken.

So far as I can judge, there is no serious opposition to the bill, except to the twenty-fourth section. I certainly want to have a fair chance given for the discussion of that section; but I should like to ask if an agreement can not be made by which some day shall be fixed when a vote can be taken on the amendment and on the bill, provided that we are able in the morning hour to give one, two, or three hours—whatever those in favor of the amendment ask—to its discussion.

I ask the Senate to agree that we may have a vote on Thursday or Friday, provided we can get the bill up in the morning hour, so as to give those in favor of the amendment such time—one hour or two hours—as they may desire for its discussion.

Mr. BACON. Mr. President, I am not authorized to speak, except in a personal way, and also to reflect the opinion of two or three Senators sitting around me. It is an impossibility now to answer the Senator's proposition, by reason of the absence of several Senators who have intimated or expressed their desire to be heard upon the twenty-fourth section. The Senator from Virginia [Mr. DANIEL] wants to be heard on that section, and also on other parts of the bill. I do not know what other objections he may have to the measure. I know, however, that he does object to the twenty-fourth section.

My objection to the bill is limited to the twenty-fourth section and such other parts of the bill as relate to that section. With that out of the bill I would be prepared to vote to-day or at any other time when the Senate might find it convenient to give it attention. But, in the absence of Senators who have expressed their intention to be heard upon it, I certainly would not feel authorized to give any consent either for myself or for them.

I would suggest to the Senator from Vermont that the time of the Senate under the unanimous-consent agreement which has been made is so occupied that it is an impossibility now to anticipate how much time can be given to the discussion of the twenty-fourth section. I think it is true that without the twenty-fourth section there would be no trouble whatever about coming to a speedy agreement as to the bill. Of course, I recognize the right of the committee and of Senators to insist upon the twenty-fourth section, and I do not desire that there should be anything more than the opportunity given for Senators who desire to be heard to present what they consider a vital objection to it.

I repeat the suggestion I made to the Senator, that in the condition of the business of the Senate under the unanimous-consent agreement it is an impossibility to anticipate how much time can be given to the discussion of this bill during any portion of the morning hour, because that is the only part of the session of the Senate which, under the unanimous-consent agreement, is available for its discussion.

Mr. PROCTOR. Mr. President, of course it is uncertain how much time can be given, but my request was—

Mr. TILLMAN. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from South Carolina rises to a question of order. The Senator will state it.

Mr. TILLMAN. I desire to know whether it is not the rule of the Senate that at 2 o'clock the unfinished business shall be laid before the Senate?

Mr. PROCTOR. It was temporarily laid aside.

The PRESIDING OFFICER. The Chair laid the unfinished business before the Senate and it was temporarily laid aside.

Mr. TILLMAN. I beg pardon. I did not know that the unfinished business had been laid before the Senate.

Mr. PROCTOR. I asked that an agreement might be made, subject to the provision that such time as the Senators might now ask for debate on the twenty-fourth section would be available during the morning hour. I understand the Senator from Georgia to object.

The Senate understands very well that unless this bill, which all seem to favor in the main, is soon enacted it will be of little force for the next two years on account of the early meeting of

the legislatures. In fact, many of them have biennial sessions, and it will be of little force unless it can be passed within a very few days. I regret very much that we are not able to come to an agreement. I wish to give all the time Senators can ask for.

Mr. BACON. I will state to the Senator that I myself have consumed all the time which I propose to take, and I am not making the objection in my interest at all.

Mr. McLAURIN of Mississippi. Before the Senate passes from the consideration of the militia bill, I desire to have the consent of the Senate to present three new sections, which I will offer as an amendment to the bill. I ask that they may be printed.

The PRESIDING OFFICER. Without objection, the amendment will lie on the table, and be printed.

#### ANTHRACITE COAL.

Mr. VEST. My attention was called away when we reached the order of concurrent resolutions. I now offer a resolution and ask for its immediate consideration.

Mr. FORAKER. I yield that that may be done on the same condition that I yielded to the Senator from Vermont.

The PRESIDING OFFICER. The Chair so understands. The resolution submitted by the Senator from Missouri will be read.

The Secretary read the resolution, as follows:

*Resolved*, That the Committee on Finance be instructed to prepare and report a bill amending "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, so that the tariff duty shall be removed from anthracite coal and the same be placed on the free list.

Mr. ALDRICH. Let the resolution be referred to the Committee on Finance.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the resolution submitted by the Senator from Missouri be referred to the Committee on Finance.

Mr. VEST. Mr. President, I will ask for the yeas and nays on that motion.

The PRESIDENT pro tempore. On that question the Senator from Missouri demands the yeas and nays. Is there a second?

Mr. LODGE. Let the resolution be read again.

The Secretary again read the resolution.

Mr. FORAKER. Mr. President, when I yielded to the Senator from Missouri I did so upon the supposition that it was simply to have a resolution presented and acted upon as to which there would be no debate or controversy of any kind. I do not object to further yielding until the roll may be called, but I want to renew my statement that I was yielding with the distinct understanding that it is without any prejudice to the unfinished business.

Mr. BEVERIDGE. Oh, certainly, Mr. President. It is understood that the unfinished business will be proceeded with.

Mr. FORAKER. I know everybody says "certainly," but I want the RECORD to say "certainly."

Mr. BEVERIDGE. I have no objection to the RECORD saying "certainly," and to the Senator saying "certainly," and to all the rest of us saying "certainly."

Mr. VEST. Let the resolution go over until to-morrow. I have no objection to its going over.

Mr. ALDRICH. The motion to refer will go over with the resolution, I take it?

The PRESIDENT pro tempore. Both will go over together.

Mr. ALDRICH. And it will come up for discussion at the proper time, I presume?

The PRESIDENT pro tempore. It is understood that the resolution goes over, coupled with the motion of the Senator from Rhode Island to refer the resolution to the Committee on Finance.

#### STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. Mr. President, I regretted very much that I did not have the opportunity to join the subcommittee and visit the two Territories of Arizona and New Mexico when they were out there taking testimony. One can always get a better view of the situation, understand the facts better, and always acquire more information by studying the locus in quo in the light of the evidence that is taken on the spot.

This question of admitting new States into the Union is one of the most important questions that can possibly come before the Congress of the United States. It is not only important on account of the intrinsic matter involved in the question, it is not only important because we ought to consider well whether a Territory is fitted to become a member of the Union, but it is also important for the reason that if we admit a State and make a mistake, the act is irrevocable and unchangeable. We may make mistakes in respect to other legislation, commit grave and serious errors, those we can easily correct by subsequent legislation, by

repeal or amendment, but when it comes to the matter of admitting a Territory into the Union as a State, when that fact is once accomplished, we are utterly helpless, and if a mistake is made the whole country suffers from the effect of it.

In view of the importance of the question, I think that party platforms ought to have little to do with it. We have heard much in this debate about the fact that the platforms of the two parties have indorsed the admission of these Territories. The most you can say about these party platforms is that they are of an advisory character. The members of the several political conventions are not acting under oath. They are there simply to carry out certain political behests of their party, chief of all to nominate candidates. But the rule established and adopted by a party convention can never be controlling in this body or in the other House of Congress. The question is of too serious a character for that.

The question of admitting new States into the Union, Mr. President, should be considered from two standpoints, both in respect to its bearing on the States and also in respect to its effect on the people of the Territory seeking admission. As a rule there are two classes of men who are chiefly eager for early statehood. First, there are the prominent politicians, who are eager to appear in the Senate or in the House and eager to hold State offices. But this is not the most serious matter. There is another class, the promoter class, who want State or local bonds issued, who have business enterprises they want promoted, and they find themselves hampered under a Territorial system of government. It is these schemers and these promoters who are oftentimes the most menacing, the most dangerous, and the most alarming to these new communities.

In the earlier stages of the growth and development of a Territory we know by experience in the past that people pour in from all parts of the country, all classes of people—some good, intelligent, able American citizens, and others, again, of a worthless, shiftless class.

Now, in a Territory it oftentimes happens that in the first instance, or for a while, this shiftless, irresponsible class predominate, or if they do not predominate in numbers, they have a controlling power. Therefore, Mr. President, it is a good plan to withhold statehood from these communities until the population becomes assimilated, until the dross is separated from the gold, and until they become settled and well-organized communities.

Congress has recognized the importance of this fact, and has been obliged, in order to restrain reckless speculation in the Territories, to enact restrictive legislation. The act of July 30, 1886, Twenty-fourth Statutes, commonly known as the Harrison Act, was passed to cure an evil that was then existing in the Territories—a tendency to engage in speculative enterprises, a tendency to run in debt, both on the part of the Territories and on the part of the local communities. In this connection, Mr. President, I beg leave to quote the most important provisions of that act bearing upon this subject. They are as follows:

SEC. 2. That no Territory of the United States now or hereafter to be organized, or any political or municipal corporation or subdivision of any such Territory, shall hereafter make any subscription to the capital stock of any incorporated company, or company or association having corporate powers, or in any manner loan its credit to or use it for the benefit of any such company or association, or borrow any money for the use of any such company or association.

SEC. 3. That no law of any Territorial legislature shall authorize any debt to be contracted by or on behalf of such Territory except in the following cases: To meet a casual deficit in the revenues, to pay the interest upon the Territorial debt, to suppress insurrections, or to provide for the public defense, except that in addition to any indebtedness created for such purposes the legislature may authorize a loan for the erection of penal, charitable, or educational institutions for such Territory, if the total indebtedness of the Territory is not thereby made to exceed 1 per cent upon the assessed value of the taxable property in such Territory as shown by the last general assessment for taxation. And nothing in this act shall be construed to prohibit the refunding of any existing indebtedness of such Territory or of any political or municipal corporation, county, or other subdivision therein.

SEC. 4. That no political or municipal corporation, county, or other subdivision in any of the Territories of the United States shall ever become indebted in any manner or for any purpose to any amount in the aggregate, including existing indebtedness, exceeding 4 per cent on the value of the taxable property within such corporation, county, or subdivision, to be ascertained by the last assessment for Territorial and county taxes previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount given by such corporation shall be void: That nothing in this act contained shall be so construed as to affect the validity of any act of any Territorial legislature heretofore enacted, or of any obligations existing or contracted thereunder, nor to preclude the issuing of bonds already contracted for in pursuance of express provisions of law; nor to prevent any Territorial legislature from legalizing the acts of any county, municipal corporation, or subdivision of any Territory as to any bonds heretofore issued or contracted to be issued.

As I said a moment ago, Congress found itself obliged to pass this restraining legislation. But for the fact of that statute on our statute books there would have been no limit to which the schemers and promoters in some of these Territories would have increased the debt of the Territories as well as the debts of the municipalities.

Mr. BEVERIDGE. I should like to ask the Senator in this connection whether it is not the case that in certain States, some

twenty or twenty-five or more years ago, the people of the States and of the counties through which certain railroads were being built were plunged deeply into debt, which rested upon them and their children for almost a generation?

Mr. NELSON. That is undoubtedly true.

Mr. BATE. May I ask the Senator a question?

Mr. NELSON. Certainly.

Mr. BATE. Is there not an act of Congress providing that as to the Territories they shall not incur an indebtedness beyond 4 per cent of the valuation of their taxable property, and that what is known as the Harrison Act regulates that very thing?

Mr. NELSON. I have already quoted the act to which the Senator from Tennessee refers. What the Senator from Indiana [Mr. BEVERIDGE] states is undoubtedly true. I remember in the case of Minnesota that it had no sooner been admitted into the Union than railroad speculation became rampant and ran riot, and the State incurred a debt of upward of \$5,000,000 for the purpose of building railroads. While not a single mile of road was ever built under that issue of bonds, the State suffered from it for years after my arrival there, and was obliged to pay that indebtedness with a large amount of interest.

Mr. President, in spite of this wholesome restraining statute, to which I have called your attention, we find that both in the case of Arizona and New Mexico those Territories have exceeded and overstepped this limit, and they have come here to Congress and asked Congress to legalize their indebtedness incurred over and beyond the restraint of this statute.

They have come here for another purpose, Mr. President. After they have legalized these bonds, they have come here and by legislation in one case actually saddled local municipal debt, county, township, and school district debt on the Territory, instead of retaining it as a local municipal debt as it was incurred in the first instance.

Taking the Territory of Arizona as an example, that Territory came here in 1890 and secured the passage of a law for the refunding of its Territorial debt. By that law there was provision made for the appointment of a funding commission, which was not only authorized and empowered to refund in new Territorial bonds the debt of the Territory, but it was also authorized to take up, refund, and convert into a debt of the Territory numerous bonds and obligations of the different municipalities. I will call attention to one feature of this statute bearing upon this question. It is as follows:

The boards of supervisors of the counties, the municipal and school authorities, are hereby authorized and directed to report to the loan commissioners of the Territory their bonded and outstanding indebtedness, and said loan commissioners may, on written demand, require an official report from the board of supervisors of counties, the municipal or school authorities, of their bonded and outstanding indebtedness, and said loan commissioners shall provide for the redeeming or refunding of the county, municipal, and school district indebtedness, upon the official demand of said authorities, in the same manner as other Territorial indebtedness, and they shall issue bonds for any indebtedness now allowed, or that may be hereafter allowed by law, to said county, municipality, or school district, official demand by said authorities.

Such a thing was never heard of in any of the States of the Union, and no State would tolerate such an act as to have the debt of a county, a city, or a school district, a mere local municipal indebtedness, refunded and converted and made a charge upon the State. Yet that is exactly what was done in the case of Arizona and exactly the same as was attempted to be done in the case of New Mexico. Under this act they have issued in Arizona, I think, in the neighborhood of a million and a half of bonds, part of them for Territorial indebtedness, but a large part for local municipal indebtedness. The same transaction has occurred in the case of New Mexico, only there they did not succeed in carrying it quite so far.

In the case of New Mexico in January, 1897, an act (29 Stat. L.) was passed to legalize a large number of bonds—county, town, school-district, and municipal bonds—that had been issued in defiance of the law of Congress and that had been adjudged void by the courts. They succeeded at the instance of the Delegate from New Mexico in having those bonds legalized. Subsequently a bill was brought into Congress at the instance of the Delegate from that Territory, and a bill was finally passed in some form providing for the refunding of those bonds, and providing for the saddling of the entire indebtedness of those local municipalities upon the Territory of New Mexico. The bill was of a general character, on its face, for all the Territories, but its real object was to reach the case of New Mexico.

Here we have two instances to show how prone the people have been in these Territories to violate the inhibition contained in the Harrison Act which I have quoted. We have shown here how quick and ready they are to incur indebtedness—indebtedness for little municipalities, townships, counties, and school districts that are not able to pay it. Then when they have these bonds issued, to make them good, to make money out of them, they saddle them onto the Territory at large. I remember well, for I was a member of this body at the time, when the

bill came in here attempting to saddle these local New Mexican debts upon the Territory of New Mexico. I was one of two Senators here who objected to the passage of that bill, and I am glad to say that it was defeated.

In view of what they have attempted to do in the past, notwithstanding these restrictions, what may we not expect in the future if they get a free hand under a State government? We have here an illustration, Mr. President, and we have it in many other instances, as the Senator from Indiana mentioned a while ago and as we had it in Minnesota, of how the people of a new community—in their early and formative stages, before they have become assimilated and have secured a permanent and reliable population, how prone they are to run into debt, and how important it is to have the restraining hand of Congress upon them, and that restraining hand can only remain as long as they are in a Territorial condition.

Hence I say that, outside of the politicians, outside of the railroad and other promoters, it is for the interest of the people of the Territories that they remain Territories until they attain a safe and strong condition; it is for their interest to have the protection of the Government of the United States and of the Congress of the whole nation. The people of a Territory have not only the advantage that we protect them from such methods and schemes, but they have another advantage. While they are in their Territorial condition the Government of the United States pays a large share of their governmental expenses. We pay their governor, their secretary, and their other executive officers; we pay the judges and the officers of the courts; we pay the expenses of the legislature; in other words, we relieve them of a great deal of the tax burdens of government, so that the people of a Territory get double relief—relief against promoters and relief from burdens of taxation.

As a matter of fact, it is no hardship to a people to remain in a Territorial condition. They have well-organized governments; they have their executive; they have their legislative, and they have their judicial departments. They can organize themselves into local political communities, establish townships, establish county governments, create school districts, build roads and bridges, build railroads; in fact, they can accomplish in an industrial and economic way nearly all that the people can in a well-organized State.

We have an illustration of how little an embargo the lack of a State government places upon the energies of the American people, when proper conditions exist, in the case of the Territory of Oklahoma. To-day that Territory has a population of, perhaps, over 400,000, and it has only been a Territory since 1890. Compare that with the Territories of New Mexico and Arizona and you can see in the one case there has been great growth and progress, while in the other there has not been; and yet Oklahoma has had no other or greater political advantages than the Territories of New Mexico and Arizona, and her people have been as much handicapped politically, if any handicap there be, as have been the people of these other Territories.

The question of statehood involves, first of all, the fitness of the people of a Territory in a material, moral, and intellectual sense to become members of the American Union. Is the Territory properly developed, is it so populated, is the character of its population such as to entitle it to statehood and representation in both Houses of Congress? In respect to representation in the Senate, where all the States are on a footing of equality, a Territory seeking admission ought in area, in population, in present and prospective development, and education be on a par with the average of the other States of the American Union. In other words, the equilibrium of the States ought to be preserved and maintained in the Senate. If a Territory falls materially short of this standard it is unjust and unfair to the other States to admit it into the Union on a footing of equality. If a Territory is comparatively undeveloped and in a stagnant condition; if its population is largely illiterate, and if the population is limited, it ought not to have equal representation in the Senate, and hence ought not to be a State. Other conditions being favorable, Mr. President, a Territory to be admitted as a State ought at least to have a population sufficient to equal the ratio required for one Representative in Congress.

Mr. DUBOIS. Will the Senator from Minnesota allow an interruption?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly.

Mr. DUBOIS. Can the Senator name a Territory which has been admitted as a State which had at the time of admission a number of people entitling it to representation in Congress?

Mr. PLATT of Connecticut. Utah.

Mr. NELSON. I will say to my friend from Idaho that I have not looked over all of them, but the Senator must remember that the ratio of representation has fluctuated at each census. What is the ratio now was not the ratio years ago nor in the earlier history of the country. Besides, supposing in some in-

stances in the past we have made the mistake in admitting States with an insufficient number of people to give them a Representative, that is no reason why we should continue it in the future; that is no argument in its favor.

Mr. DUBOIS. I will ask the Senator if Minnesota at the time of her admission had enough people to entitle her to representation in the House of Representatives?

Mr. NELSON. Minnesota had in 1860, two years after its admission, 172,023, and the ratio at that time was 127,381, so it no doubt had the full ratio in 1858.

There is another fact I couple with the population qualification. Even if a Territory has not enough people to entitle it to admission, if the condition of its soil and its climate and the character of its people are such that in the near future it is likely to have the necessary population, then no harm is done. But where a Territory, on account of its soil and climate and the character of its people, is in such a condition that it is stagnant and not likely to fill the ratio of population for many years to come, the question is entirely different.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. I desire to ask the Senator from Idaho whether he means to infer that no State which has been admitted to the Union had, at the time it was admitted, sufficient people to entitle it to one Representative in Congress? Is that the meaning of his inquiry?

Mr. DUBOIS. There were very few. I think the Senator from Connecticut [Mr. PLATT] named about the only one.

Mr. HOAR. Dakota had.

Mr. PLATT of Connecticut. Dakota had two Representatives.

Mr. BEVERIDGE. Mr. President, on the contrary, if that is the assumption of the Senator—and I can see no point to his question otherwise—

Mr. DUBOIS. They were very few—exceedingly few.

Mr. BEVERIDGE. On the contrary, Mr. President, the rule was adopted in the case of Kansas, and Kansas was so admitted under that rule, and most of the other States that have been since admitted have been admitted under that rule until there came the panic in favor of the admission of Territories in a bunch. Most of the States have had enough people to entitle them to one Representative in Congress. Vermont, when she was admitted, had people enough; but the case of Kansas was, I think, the first where the rule of enough people to furnish a unit for representation in the House of Representatives was adopted. It was followed in that case and in the case of many other States. I do not think it is large enough, and neither did the framers of the ordinance of 1787 think so.

Mr. DUBOIS. I will say to the Senator from Indiana that the State he so ably represents—

Mr. BEVERIDGE. Thank you.

Mr. DUBOIS. Did not have a sufficient number of people, nor did the State of Illinois, from which I came, nor any of those great States in the Mississippi Valley, and with very few exceptions no State has had enough people to give it a Representative in the other House under the apportionment.

Mr. NELSON. Mr. President—

Mr. BEVERIDGE. I will not interrupt the Senator from Minnesota further.

Mr. NELSON. I want to call the attention of the Senator from Idaho to the fact that in nearly all the cases he has in mind the Territories have been thrifty, prosperous, growing communities, and in nearly all instances, even where there was a technical insufficiency of population to equal the ratio of representation, they secured that population in a very short period. But here we have the case of two Territories—Arizona and New Mexico—especially New Mexico, that is one of the oldest-settled communities in this country, and yet to-day it has a population, as I shall show before I conclude, barely enough to respond to the ratio necessary for a Representative in Congress.

Mr. President, the importance of this question rests in this: When we admit a Territory as a State we give that Territory here in this body a full representation, equal to that of the largest State in the Union. Under these circumstances it seems to me that such a Territory, when we give it that representation in this body, ought to have a population at least equal to the ratio for one single member in the House before it is admitted into the Union.

In the next place, Mr. President, the people of a Territory seeking admission ought to be so developed intellectually and politically, so grounded in all the essential elements of self-government, that they can be safely trusted with all the functions and duties of statehood; and this is a matter which not only concerns the people of the whole country, the sisterhood of States, but also most vitally concerns the Territory itself.

It is a great injustice to a youth to entail upon him the duties

of manhood while he is still in his teens, still in a state of immaturity, and so it is an injustice to a Territory while it is still immature, still in a state of pupillage, still unripe by education and material development, to entail upon it the duties and burdens of statehood. Of this question Congress is better able to judge than the people of the Territory.

If the people of a Territory are largely illiterate; if they are deficient in the necessary elements of self-government; if the resources of the country are but slightly developed or in a stagnant or embryo state; if the mass of the people are in such a condition as to be easily misled by designing and unscrupulous men, then, for its own good, for its own safety, and its own protection the Territory ought not to be admitted into the sisterhood of States, for while it is in a Territorial condition the people are safe-guarded and protected and under the care of the Federal Government, which will see that the people suffer no harm.

Mr. President, after having stated this—these general principles, which I regard as fundamental and which ought to control us in this matter—I shall take up in detail the history of these Territories and show their present condition. As a preliminary I shall refer to a little bit of ancient history in connection with the Territories of Arizona and New Mexico, because it furnishes some light and some key to their present condition.

## ARIZONA.

First, as to the Territory of Arizona. History relates that it was first crossed by Estovan, a negro slave, and a companion as early as 1539. Coronado, the great explorer of Arizona and New Mexico, crossed the country as early as 1540, and on this journey he visited the so-called Moqui Indian towns in the northern part of the Territory. He returned from his New Mexican trip, through the same country back to Sonora, in 1542. The next explorer to whom history refers is Antonio Espejo, who, in 1583, coming up the Rio Grande, went from thence to the Zuni Indian towns on the border between New Mexico and Arizona, and thence went north to the Moqui towns, and on this trip he found a few Indian tribes raising corn and a few samples of silver and other minerals. In 1598 and again in 1604 Juan Onate entered and explored the country. I might say, Mr. President, in this connection, that he is the one who first colonized and settled New Mexico.

In 1697 Lieutenant Bernal, with a party, gathering at and starting out from near where Tombstone now is, explored the country along the Gila and its tributaries. He found a number of natives, some ranches, irrigating ditches, and some little cultivation. Between 1698 and 1702 a Franciscan friar, Kino by name, came to the Territory, and in 1732—and I call the attention of Senators to this fact—the first Spanish settlement was made under the auspices of two friars. This was on one of the tributaries of the Upper Gila River in the region near Tucson. So you see, as a matter of fact, what is now a part of the Territory of Arizona has actually been settled ever since 1732.

In 1752 a presidio, or fortified camp, of 50 men was established at Tubac, south of Tucson, with some missions. The only settlements in the eighteenth century seem to have been in the south on the Upper Gila and its tributaries, and the region around Tucson. Tucson was first mentioned in 1763; it was made a presidio in 1772 and a town in 1776. Just think of it! It was established as a town as early as the year of the Declaration of Independence. All Spanish and Mexican settlements were within the limits of the Gadsden purchase—the southern part of the country. Father Garces explored the Moqui country in 1777, but was not successful in proselytizing or converting the Indians.

The first era of prosperity that came to the country was from 1790 to 1820. After 1822 it entirely disappeared. After the country became a part of Mexico all was demoralized and retrograded. From 1840 to 1846 there is no evidence of any Spanish settlement except at or near Tucson and Tubac. In 1848 Tucson had a population of 750, and Tubac, immediately south of it, had a population of 249 people. In 1851 the first United States Government exploring expedition passed through the country.

From 1858 to 1860 the Butterfield stage line from Marshall, Tex., to San Diego, Cal., was in operation in the Territory. In 1857-58 there were a number of military posts established in the country, but these were all abandoned in 1861 when the Confederates invaded the country. From 1855 to 1860 there was some copper and silver mining in the southern part within the limits of the Gadsden purchase, but it soon subsided.

Gila City, near the Gila River, was once a prosperous mining town which sprang up in 1858, and attained a population of 1,200, but was abandoned and deserted in 1862, and in 1877 it was merely a stage station with a population of 9 people.

In 1861, when the troops were withdrawn, the Apaches were practically masters of the country for more than a year. Nearly all the white settlers were expelled or murdered. The people who were in the country prior to 1861 were regarded by those who were familiar with the facts as a turbulent and lawless set of people, utterly unfit for any kind of orderly government.

In 1856 a convention was held at Tucson, which memorialized Congress for a Territorial government and elected a Delegate to Congress. In 1860 another convention was held at Tucson which adopted a constitution for a State or Territorial government "to remain in force until Congress established a Territorial government." Officials were elected under this constitution, but nothing further was done in the way of maintaining the government under this plan. In 1860 we find that a Delegate was elected to Congress. In 1863 Arizona was finally created a Territory, carved out of New Mexico, of which it had been a part up to that time. When it was created a Territory—and I call the attention of Senators to this point—it had an estimated population, exclusive of Indians, of 6,500, but subsequent censuses show that this was too high and out of all proportion.

In 1861 there was a constitutional convention held at Tucson, which declared the country a part of the Confederate Government and elected Mr. Ouray a Delegate to the Confederate Congress. The Territory was occupied by Confederate forces under Lieutenant-Colonel Baylor in 1861. In 1862 the Union forces from California took possession of the country and expelled the Confederates. In July, 1864, Prescott was founded and made the capital. So you see it is a very old town. A legislature was elected, and Mr. Poston was elected a Delegate to Congress. The legislature met and adopted a civil and mining code. The mining code was based largely upon that of California and the other code upon that of New York.

Territorial censuses were taken. The Territorial census of 1866 showed a population, exclusive of Indians, of 5,522, and the census of 1867, 7,200. Between 1876 and 1884 several Mormon settlements of immigrants from Utah were formed. They are still existing and have been growing since that time.

By the Federal census of 1870 the population was 9,658; 1880, 40,440; 1890, 88,243; 1900, 122,931.

A hundred and seventy years had elapsed since the first settlement in Arizona in 1732, and yet they had a population of only 122,931, and, as I shall proceed to show, a large proportion of those people were Indians.

Arizona has not to-day the population entitling her to a Representative in the House of Representatives. The ratio for a Representative under the last census and Congressional apportionment is 194,182. Under section 2 of the fourteenth amendment to the Constitution of the United States, Indians not taxed are not entitled to representation. The census of 1890 shows the total population to be 122,931, and of this number there were Indians not taxed 24,644, leaving entitled to representation only 98,287, and this is only 50.6 per cent of the ratio for a Representative.

The increase from 1890 to 1900 was 34,688. This is at the rate of 39.3 per cent for the ten years' period, or at the rate of 3.93 per cent per year. Allowing the same ratio for the last two years, and distributing the same pro rata among the Indians and whites, the condition now would be about as follows:

Whites.....	106,012
Indians.....	26,581
Total.....	132,593

Or a population entitled to a representation of only 54.6 per cent of the ratio for a Representative. But Arizona, as a matter of fact, has a great deal larger Indian population than the census gives it credit for. Ex-Governor McCord, of Arizona Territory, in his testimony before the committee, testified about the matter of Indian population. He was asked this question:

How many natives—that is, Indians—would you say you have in the Territory?

A. Well, when I was governor I had a census made and we figured it 37,000.

I telephoned the Commissioner of Indian Affairs on this subject, for in the Indian Department it is necessary to have a census of the Indians in order to distribute the annuities and to make the allotments, and I received a reply from him to which I beg leave to call the attention of the Senate:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, December 16, 1902.

HON. KNUTE NELSON,  
United States Senate, Washington, D. C.

SIR: Referring to your informal request, by telephone, for certain information, I have the honor to inclose herewith a leaf taken from the annual report of this office for 1901, showing the Indian reservations in Arizona and the area in acres, the total of which you will see is 16,894,437.

But 41,622.65 acres have been allotted to 291 Indians. No other Indians have been allotted in Arizona.

Another leaf taken from the same report is inclosed showing the Indian population of said Territory. It will be seen that, as there stated, the number is 41,139. This includes 20,000 Navahoes; but the Navaho Reservation is partly in New Mexico, and a large number—possibly one-half—of the Navahoes live a greater part of the time at least in New Mexico. If we deduct say 10,000 Navahoes, it will leave 31,139 as the total Indian population of Arizona.

Trusting that this statement will meet your purposes, I am,  
Very respectfully, yours,

W. A. JONES, Commissioner.

A total Indian population of 31,139. As Senators who are familiar with the matter know, the Indians do not become citizens till allotments are made. They are not liable to taxation until the land has been allotted to them in severalty, and out of those Indians (31,139) only 291 have received allotments. That will leave a net total of 30,848 Indians, according to the letter and report of the Commissioner of Indian Affairs, to whom allotments have not been made, and who are not citizens and are not taxed and are not entitled to representation.

On this basis the condition as to population in 1901 was this: Total population, census of 1900, 122,933; one year's increase of population, at the ratio from 1890 to 1900, 4,831; total in 1901, 127,764; deduct unallotted Indians, according to the report of the Secretary of the Interior, 30,848, and it leaves a net population in 1901 entitled to representation under the fourteenth amendment of only 96,916, or less than one-half the ratio now required for a Representative in Congress.

Mr. FORAKER. Will the Senator from Minnesota yield?

Mr. NELSON. Certainly.

Mr. FORAKER. What is the discrepancy between the number reported by the census of 1900 and the number reported by the Secretary of the Interior?

Mr. NELSON. I think the census made the number of untaxed Indians a little over 24,000, and this, leaving out Indians to whom allotments have been made, makes it over 30,000.

Mr. FORAKER. The recollection of the Senator agrees with my own. I want to ask the Senator how that discrepancy could have occurred unless there was an inaccurate enumeration by the census enumerators.

Mr. NELSON. I can readily see how it comes about, and the Senator can see. When the census enumerator goes around among the Indians and asks the question of the Indians as to who are taxed and who are not taxed, does not the Senator see that it is a question upon which he is not likely to get accurate information? At the Indian Office it is important to maintain an accurate list of the Indians in order that they may know to whom to pay annuities and whom to take care of and what schools to provide and to whom to make allotments.

Now, in the matter of taxation the Senator can readily see the point. Suppose a census enumerator went to the State of Ohio and undertook to enumerate the white people who were taxed and who were not taxed. How liable might he be, although he might have the correct aggregate of population, to make a mistake as to the number taxed and the number not taxed.

Mr. FORAKER. All I desire to do has been accomplished. I understood the Senator to be arguing that these figures, he thinking them more reliable as they come from the Secretary of the Interior, showed that the Census Office figures were inaccurate.

Mr. NELSON. No, sir; I present the two sets of figures, and I am not saying which are inaccurate. I have not yet said that one was inaccurate and the other not. I have simply presented these figures and statements, and I have given the result based on the census and the result based on the report of the Commissioner of Indian Affairs. Now the Senator from Ohio, as well as I, can draw his own inference from those figures.

Mr. FORAKER. I wanted the benefit of the opinion of the Senator on the subject, and that is the reason why I interrupted him. I understood the Senator to go to some pains to satisfy me that the figures of the Secretary of the Interior should be regarded as accurate rather than the figures of the census enumerator. I think the Senator is right in that respect.

Mr. NELSON. I have simply put the evidence from these two sources before this body, and the members can judge as well as I can judge. I have not finally—

Mr. FORAKER rose.

Mr. NELSON. I have not finally—if the Senator will give me a chance—figured out the result of these two enumerations.

Mr. FORAKER. Will the Senator allow me to ask him another question?

Mr. NELSON. Certainly.

Mr. FORAKER. I do not want to interrupt the Senator.

Mr. NELSON. Interruptions do not bother me a bit.

Mr. FORAKER. I want some information. The Senator appears to have studied this question with very great care. Both sets of figures can not possibly be correct. One or the other is erroneous.

Mr. NELSON. Yes.

Mr. FORAKER. I should like to ask the Senator which set of figures he thinks is the more accurate—the set given him by the Secretary of the Interior or the set returned by the census enumerator?

Mr. NELSON. I am not prepared to say, absolutely. That is a question which I will submit to the judgment of the Senate. It is my business to give to the Senate facts and arguments rather than my own opinion. My own opinion would not make the thing different one way or the other. Even if I gave my opinion

I have not any reason to believe the Senator from Ohio would accept it. If I thought he would accept my opinion about that affirmatively and would be bound by it, I should be more than glad to stretch the point and to give an opinion.

Mr. FORAKER. I have the most profound respect for the Senator and for the Senator's opinion. I thought he was expressing an opinion. I wanted to be sure I understood him.

Mr. NELSON. Like a fair man I was simply aiming to give the Senate an impartial statement, giving the Senate both views in this case, and leaving the Senate to judge which is the more accurate.

Mr. FORAKER. I want to say to the Senator that I am not interrupting him for any idle purpose.

Mr. NELSON. I am not finding fault.

Mr. FORAKER. I have been reading the report of the committee, and they have gone to very great pains to show that they have proved conclusively that the census enumeration was absolutely accurate. I wanted to know if it was possible that a member of the committee, speaking in support of the committee's report, was undertaking to disprove what the committee have shown with great elaboration was just the opposite of what I understood him to say.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Indiana?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. If the conclusion which the Senator from Ohio seems to draw from the two sets of figures presented by the Senator from Minnesota is correct, it merely shows that the census did not show that there were as many Indians in Arizona as there really are. That is the only conclusion which the Senator can draw.

Mr. FORAKER. We can argue whether the one set of figures is correct or the other. What I wanted to get at was the position of the Senator from Minnesota. I wanted to know whether he was undertaking to satisfy the Senate that the census enumeration was not correct, and in that was flatly contradicting what is contended for by the Senator from Indiana in his very able report.

Mr. BEVERIDGE. Even if that were true, the whole extent of the Senator's conclusion is that the census did not give as many Indians in Arizona as there really are; in other words, that there are more Indians there than the census gives.

Mr. FORAKER. The effect of an admission that there is an inaccuracy may be argued at the proper time. I simply wanted to know whether or not there was an admission of inaccuracy in the census enumeration, and I would have followed that with another question, but in view of the sensitiveness of the Senator from Minnesota when I interrogate him, I will wait until he has concluded before I do that. If there should be an inaccuracy in the enumeration of Indians, might there not also be an inaccuracy in the enumeration of white people?

Mr. BEVERIDGE. Mr. President—

Mr. FORAKER. In other words, are we to be conclusively presumed to believe that there are 5,000 more Indians than the census enumerator reported, and that there is not another white person than those he reported?

Mr. BEVERIDGE. Oh, no. There is an inaccuracy on the part of the Senator from Ohio. The difference mathematically is only 4,000. The Senator makes it 5,000 in one minute.

Mr. FORAKER. The Senator from Minnesota said there were about 26,000 reported by the enumerator and thirty thousand eight hundred and some odd reported to him by the Secretary of the Interior. In other words, a difference of about 4,800.

Mr. BEVERIDGE. Twenty-six thousand and some hundred, and thirty thousand and some hundred.

Mr. FORAKER. The Senator from Indiana is nearer correct when he says there is a discrepancy of only 4,000 instead of 5,000 than he was in some of the conclusions reached in his report.

Mr. BEVERIDGE. The comparative value of the conclusions reached by the report is a question for the judgment of the Senate. The Senator from Ohio makes the point that if there is an inaccuracy in the enumeration of the Indians, and there are really more Indians in the Territory than we have contended for—something we are willing to concede to the Senator—it might also follow that there was an inaccuracy in the enumeration of white people. I think any person will see, even at a casual glance, and will see more clearly as they examine it, that the enumeration of Indians is far more difficult than of white people with settled habitations.

Mr. FORAKER. All that may be true. I was not stopping to argue it. At the proper time I shall have something to say upon that point. All I was seeking to get before the Senate and to get into the RECORD was what it is that the Senator is contending for in this respect; whether he is contending that the census enumeration is correct or incorrect.

Mr. BEVERIDGE. We contend that it is correct.

Mr. NELSON. I wanted to present to you both sides of this question in order to give full light, which is more valuable than my own unsupported opinion. I presented the result of the Census Office and the result of the communication with the Commissioner of Indian Affairs, and I hope that when the Senator comes to argue the other side he will be as fair in presenting a mooted question as I have been in this matter.

Mr. FORAKER. I am not compelled to have any opinion as to which is correct, but I have a right, and it is my duty to seek for the benefit of the Senator's opinion. I wanted to know from him which he thought was correct. If he has no opinion, of course I have nothing to ask for.

Mr. NELSON. I have figured out the population on both theories, both on the basis of the census and of the report of the Commissioner of Indian Affairs; and on the basis of the report of the Commissioner of Indian Affairs this would be the status of the population of Arizona in 1901:

Total population, census of 1900	122,933
One year's increase of population at ratio from 1890 to 1900	4,831
Total in 1901	127,764
Deduct unallotted Indians	30,848

Leaving a net Representative population of 96,916

Or less than one-half of the full ratio for a Representative in Congress. Adding to this one year's increase at the ratio from 1890 to 1901 that brings it up to the year 1902, 3,808. It makes a total population entitled to representation, at the outside, in the year just passed (1902) of 100,724 people, which is 51.8 per cent of the ratio required for a Representative in Congress.

Now I ask the attention of Senators to this: Whether the population entitled to representation be put at 106,012, on the basis of the census, or 100,724 on the basis of the Commissioner of Indian Affairs, as I figured it, allowing the same ratio of increase as during the last ten years, it is evident that it would be at least fifteen years before Arizona would have a population entitled to representation equal to the ratio for a Representative in Congress at this time.

Now, under the circumstances and on this theory, and in view of the limited number of people in that Territory entitled to representation in Congress, much less than the ratio necessary for a Representative, I submit that Arizona is not entitled to come into the Union.

Now, if we apply the educational test to Arizona, and in this matter I shall refer only to what our census shows, not going into the testimony taken on that point before our committee, because the members of the committee who were on the ground will want to refer to it—in the matter of illiteracy in Arizona, according to the census the percentage is 25.4. The average illiteracy of the country, taking all of the States of this country together, outside our colonial possessions, is 10.9, while in Arizona it is 25.4.

Now, let me read this statement as to illiteracy in the several States, and we can see what a discrepancy there is:

	Per cent.		Per cent.
Maine	6.4	New Jersey	6.9
New Hampshire	7.9	Pennsylvania	7.7
Vermont	7.9	Delaware	14
Massachusetts	6.4	Maryland	12.5
Rhode Island	9.2	District of Columbia	8.4
Connecticut	6.8	Virginia	25.3
New York	5.9		

There are a few States—six of them, all old slave States—where the conditions are peculiar, and in those the percentage of illiteracy is high. These are North Carolina, 29.4; South Carolina, 35.1; Georgia, 31.6; Alabama, 33.7; Mississippi, 33.8; Louisiana, 37.6. But we must remember that these States were burdened years ago with a large slave population and that this population has not yet reached the stages of education and intelligence that the white people have, and for that reason it is not fair to compare in illiteracy the conditions prevailing in those States with our own States. But I will resume.

In the State of Ohio the rate is 4.8 per cent; Indiana, 5.6; Illinois, 4.8; Michigan, 5.5; Wisconsin, 5.5; Minnesota, 4.1; Iowa, 2.7; Missouri, 7; North Dakota, 5.4; South Dakota, 5; Nebraska, 2.5; Kansas, 3.4; Kentucky, 18.8; Montana, 6.1; Wyoming, 4.3; Colorado, 4.1; Utah, 3.7; Nevada, 12.8; Idaho, 5.4; Washington, 3.4; Oregon, 4.8; California, 6.2, and, with the exception of those few old slave States, where the conditions, as I have said, are peculiar, you can see that the standard of illiteracy of Arizona is very low. Even taking the whole country at large, the good States and the bad States, the average of all the States is only 10.9.

Mr. FORAKER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. NELSON. Certainly.

Mr. FORAKER. I desire to ask the Senator how many Indians are included in his computation of illiteracy, whether 26,000 or 30,000?

Mr. NELSON. I do not think the Indians are included in that estimate at all.

Now, if we go from the mere matter of illiteracy to the matter of occupations and industries in the Territory, we find the conditions to be that the principal occupations and industries are mining, stock raising, and agriculture. Agriculture is in a very feeble condition. There is a total of 72,268,800 acres of land in Arizona and of this, according to the last census, there were only 5,809 farms with a total acreage of 1,935,327, of which only 254,521 acres were improved, which is only 0.35 of 1 per cent of the total area of the Territory.

There are some curious figures in connection with this. I want to read them.

Number of white farms, 4,006; total acreage of white farms, 1,889,376; improved acreage of white farms, 225,809, or 12 per cent; number of negro farms, 15; total acreage of negro farms, 1,850; improved acreage, and it seems to be much greater in proportion, 473 acres; percentage of improved acreage 25.6; number of Indian farms 1,770; total acreage of Indian farms, 43,502; improved acreage of Indian farms 26,782, or a percentage of 61.6, the Indians showing the best percentage of all. That is the amount of improvement as compared with the acreage included in their farms. These figures show that in a country which has been settled all these years, with an acreage of over 72,000,000, (and I shall subsequently show the amount of this acreage that is still unappropriated public land), with all this great area of land, there is to-day, after all these years, or was in 1900, only 254,521 acres of improved land.

The great trouble with Arizona in this respect is the desert-like character of the soil and the aridity of its climate. The rainfall is very scant and limited, and is really no help to agriculture. There are only a few localities up in the northwestern mountains, where the timber is in a rocky and hilly country, where there is any rainfall of any consequence, and where crops could be raised with irrigation; but owing to the character of that country, owing to the high altitude, it will never become an agricultural country, so that the question of agriculture is remitted back to the other portions of the country.

It follows, Mr. President, that on account of the desert-like character of the soil, the lack of rain, and the aridity of the climate, the only recourse for agriculture is in irrigation, and that agriculture is practically limited by irrigation. The total amount of land under irrigation in 1899, according to the report of Professor Newell, was only 185,396 acres, and even this land could not all be cultivated because of the want of irrigation and the lack of water. I want to quote in this connection from the testimony of Professor Newell:

The CHAIRMAN. Will you state to the committee, in your own way, the situation in the Territory of New Mexico with reference to the question of aridity?

Mr. NEWELL. The Territory is well within the arid region, and agriculture there is dependent almost entirely upon the artificial application of water.

The CHAIRMAN. By the artificial application of water you mean irrigation?

Mr. NEWELL. Yes, sir; irrigation. The principal source of supply is the Rio Grande and its largest tributary, the Pecos River. The United States Geological Survey has been measuring the flow of the Rio Grande where it enters New Mexico and at various points along its course. We have also measured some of its tributaries, and have measured where it leaves the Territory to form the boundary line between Texas and the Republic of Mexico. We have been making studies of the extent to which that water can be used for irrigation purposes in the future.

The CHAIRMAN. Will you state to the committee the extent to which that water is used at present?

Mr. NEWELL. The usual summer supply is entirely employed, and there is now—

I call attention to this—

and there is now a considerable acreage under cultivation for which there is not a sufficient supply of water in all seasons. The spring flow—the floods—in large part go to waste, and water storage is absolutely essential to the future development of the Territory.

Irrigation, as it appears from this testimony and as it appears from the agricultural development and history of the country and from the census report, is now at a standstill and has attained its limit. The irrigation is confined to these few streams that Professor Newell referred to. There is some irrigation in the Verde River Valley near Prescott. There is some irrigation in the Salt River Valley near Phoenix, and some in the San Pedro Valley near Florence, and some near Yuma, and some on the Gila River. I read from a report here which enumerates the different basins that it is possible to irrigate:

Notable among these are the basins of the Gila, the Salt, the San Pedro, the Santa Cruz, the Verde, the Bill Williams Fork, and the Hassayampa rivers. The Gila being supplied from the largest and most extensive watershed is in consequence the most important of all streams lying wholly or almost wholly in the Territory. Nearly all other streams mentioned are tributary directly or indirectly to the Gila, and have each irrigated areas of their own. On all can be found available reservoir sites eventually to be used, under the law, for the reclamation of the arid lands tributary thereto.

If you look at the map of Arizona, you will find how far apart these different localities are. You will find how far the Salt River irrigated area and valley is from the Verde River, and the

latter from the Pecos River, and that again from the Gila River. It is these few little valleys which have been irrigated, with their population, and with the population of some mining camps and mining towns, which constitute practically the population of Arizona.

In reference to the matter of water supply and irrigation, I ask leave to refer to certain testimony that was taken by the committee which is germane and has an important bearing on this question, the testimony of Henry Hartin:

Q. What was the nature of the occupation of the people out in the country districts which you enumerated?

A. Why, mining and stock raising, and a little agriculture.

Q. Where was the agriculture carried on?

A. Down on the Verde, about the head of the Verde Valley, along the river.

Q. They worked the valley along the river?

A. Yes, sir.

Q. Have you been pretty well over the Territory?

A. No, sir; I have been pretty well over Yavapai County, but not over the Territory.

Q. How far was the irrigation taken from the river in the Verde Valley, of which you spoke?

A. Not at all; it was just along the bed of the river.

By Senator HEITFIELD:

Q. How wide is the valley?

A. It was not quite a quarter of a mile; it was not, at the widest place, a quarter of a mile wide.

I read from the testimony of Mr. Sloan. He states, on page 124:

We have had for a series of years a remarkable shortage of water, and for that reason the farmers have not prospered as they did in former years. The amount of land that can be utilized is practically unlimited. The water necessarily is limited. The rainfall is not such as to afford sufficient water for all the land in the Salt River Valley. However, there are possibilities for the storage of water which will be completed. If those works which are now contemplated are completed, that will add many thousands of acres to cultivation.

This is the testimony of Mr. Heard, one of the water-storage commissioners:

Q. In what portions of the Territory which you have named are there irrigation works actually in operation?

A. The principal irrigation in the Territory is in this valley and in the Upper Gila Valley. And there is also quite a small irrigated section just south of Tucson; and there is a splendid irrigated section in the Gila Valley, about 30,000 acres.

Q. How much would you say at the present time is actually under irrigation?

A. In the whole of the Territory?

ACTUAL IRRIGATION.

Q. Yes, sir; in the whole Territory.

A. About 185,000 acres under actual cultivation.

Mr. BEVERIDGE. In the whole Territory?

Mr. NELSON. In the whole Territory. From this, Mr. President, taking the former conditions in that Territory, taking the report of the census for 1900 in respect to the amount of improved farms, if that census is correct in respect to the total of improved farm acreage, we can see that instead of being an increase there has been actually a decrease.

It is evident from these facts, Mr. President, that agriculture and stock raising are at a standstill. Stock raising is as much affected almost by the lack of water supply and the lack of irrigation as agriculture, for the reason that no matter if the cattle can find pasturage they have got to have some place to get water, and they can not well, as the testimony shows, go to a distance of more than 4 or 5 miles from the ground on which they graze to secure their water. So the grazing area is, like agriculture, though not quite to so great an extent, limited by this lack of water.

Now, under these conditions we can see why Arizona has not been growing and is in a stagnant condition, and it is likely to remain so until a most extensive and most expensive system of irrigation is inaugurated. That will be a work of years and will require thousands of expenditure. We have recently passed legislation by Congress to carry out this work, and until the plan of irrigation provided for by Congress has had a chance to develop itself and show what it can do it will be premature to admit Arizona into the Union.

To my mind, Mr. President, if Arizona is admitted into the Union at this time you would see a rush among speculators and promoters to secure the issue bonds, to incur indebtedness without limit for all species and plans and schemes of irrigation. Let the people be patient. Instead of allowing schemers and promoters to secure bonds and incur a great indebtedness for the purpose of irrigation we had better leave the people in a Territorial condition. We had better leave them so that the Government of the United States can aid them under the act which we passed at the last session to secure irrigation without any expense to the people, and to secure it gradually and in a proper way as fast as the needs of the country require it.

Mr. President, no better evidence is to be found that agriculture and stock raising in Arizona to-day are at a standstill than in the limited amount of public-land entries that have been made during recent years.

The total area of Arizona is 72,792,320 acres. Of this area there is appropriated 5,773,941 acres, leaving 67,018,379 acres un-

appropriated. Now, out of all this mass of unappropriated land there were entered and purchased and secured in various ways under our land laws in the fiscal year ending June 30, 1902, only 449,175 acres; and in the fiscal year ending June 30, 1901, there was a total of land entered and appropriated of 151,718 acres. It will be claimed here how enormously Arizona has grown since the census, that the figures are incorrect, that there has been such a growth of that Territory as was never known before in all its history; and yet these land office records belie that contention and that argument. In the two years, out of this mass of unappropriated public land—67,000,000 acres—only 600,894 acres have been entered and appropriated. This, Mr. President, is only 9.5 per cent of what has been entered in Oklahoma in the same period.

Now, let us compare this with Oklahoma and see the difference. The total area of Oklahoma is 24,774,400 acres. There were appropriated, that is, entered, purchased, and secured under the land laws of the United States, at the end of the fiscal year 1902, 17,229,575 acres, and unappropriated, 7,544,825 acres. According to the report of the Commissioner of the General Land Office there was appropriated and entered during the fiscal year ending 1902, 4,413,557 acres, and during the year 1901, 1,896,587 acres, or in all during the two years, 6,310,144 acres, against 600,894 acres in Arizona, with a much greater area, in the same period. Ten times as much public land was entered in the little Territory of Oklahoma during that period as in the vast domain of Arizona. This shows what a slow progress Arizona is making in settlement and development.

This further appears if we take into account the number of people engaged in the various industries. According to the census of 1900, there were in Arizona 3,055 agricultural laborers and 6,583 who were rated as farmers and planters, or a total agricultural population of only 9,638. In the stock-raising industry the figures were still less. Number of stock raisers, 1,224; number of stock herders, drovers, and those connected with the cattle industry, 2,416, or a total number of persons engaged in the stock-raising business of 3,640. Or, adding the number of people engaged in agriculture and stock raising combined, there was a total of only 13,278 males in the Territory engaged in those two industries.

Now, something will be said about mining. I will come to it later, but in this connection I desire to call attention to the limited number of people engaged in mining, according to the census: Number of persons engaged in coal mining, 12; in gold and silver, 1,968; in mining not specified, and that includes principally copper, 5,439; in quarries—that is, engaged in quarrying stone—33; or a total of only 7,452. If we sum it up, the industrial classes in Arizona in 1900 engaged in agriculture and in stock raising and in mining numbered only 20,730 people.

Aside from stock raising and farming, mining is the only other industry of any consequence, and, as I shall show by figures, with the exception of copper mining, the mining industry in the Territory is very limited and insignificant when compared with that of the other mining States of the Union. How long this mining will last and how much it may be enlarged is uncertain and problematical. Mining towns like Tombstone and Gila City, and many others that could be named, once large and prosperous, have been long since almost abandoned and deserted.

A table which I have compiled from the report of the Mineral Resources of the United States for the year 1901 shows this to be the condition of the mining industry in Arizona.

The total amount of gold mined in the year 1901 was \$4,083,000. This was equivalent to 5.19 per cent of the entire gold product of the country.

The production of silver in Arizona in 1901 was 2,812,400 fine ounces, or an amount equal to 5.09 per cent of the production of the entire country.

Coming to the matter of copper, I find a better showing. The amount of copper mined in Arizona in 1901 was 130,778,611 pounds, or equal to 21.7 per cent of the copper output of the country.

When we compare the gold, silver, and copper mining of Arizona with that of some of the principal mining States, we see how insignificant is the mining industry of Arizona. While Arizona produced \$4,083,000 of gold in one year, Colorado produced \$27,693,500; California, \$16,891,400, and Alaska, \$6,885,700; or nearly 50 per cent more gold is produced in Alaska than in Arizona.

Take the matter of silver, and compare that with the production of the silver States. Arizona produced in 1901 2,812,400 fine ounces of silver, while Colorado during the same period produced 18,437,800 fine ounces; Montana, 13,131,700 fine ounces; Utah, 10,760,800 fine ounces; Idaho, 5,542,900, and the aggregate production of silver in the United States was 55,214,000 fine ounces.

Now, take the matter of copper. Arizona, as I stated, produced 130,778,611 pounds, while Montana produced 229,870,415 pounds, and the Lake Superior country—that is, Michigan—156,289,481 pounds.

These figures which I have quoted, both as to the output of the mines and as to the number of people engaged in them, show

plainly how limited is the scope of the mining industry in Arizona. If you eliminate their copper mining and leave it simply to the matter of gold and silver, it would be very limited indeed.

I want to call the attention of the Senate to a matter in this connection which has a bearing upon the quality and character of the population. We must note the fact that the population in these mining towns is of a transient and migratory character, and not of the highest order of citizenship. They float about from mining camp to mining camp; when they get tired of one camp they go to another. We have an indication of the lawless character that must prevail there in the fact that under the laws of Arizona the saloons, gambling houses, and other resorts are licensed and allowed to run day and night and all night long and all of Sunday; in fact, they are allowed to run continuously. Such a condition can only be appurtenant to what I might call the semilawless elements of mining towns.

Now, when we take into account the limited number engaged in agriculture; when we take into account the character of the mining population; when we take into account the high rate of illiteracy in the Territory, it all tends to show that in the matter of population, in the matter of the development and the character of that population, Arizona is far from being fit for becoming a member of the Union of States.

Where a Territory is in an active, progressive condition, and the indications point to immediate and rapid growth and progress, there may be good grounds for admitting it as a State, even though at the time it is not up to the requisite standard of population, intelligence, and material development. But these conditions do not exist in the case of Arizona. Its past history and its present condition in respect to population, literacy, and material development indicate that on account of the barren soil and the peculiar climatic conditions it is in an almost dormant state, and to admit it now would be of no help to the people, but would simply open the door to political schemers, promoters, and stockjobbers.

In view of these facts, Mr. President, in justice to the people of Arizona, not only on their account, not only on account of the States of the Federal Union, but especially on account of the people who live in Arizona, for their own good and their own protection, I insist that the greatest blessing we can confer upon those people at this time is to still leave them in a Territorial condition in order that, without expense, without cost, and without incurring an enormous amount of indebtedness, they can, under the legislation passed during the recent session of Congress, secure that relief and help which they need, and which is the only help and relief that can at all bring prosperity and growth to that Territory—I mean to secure irrigation under the system and plan provided by the law passed at the last session of Congress.

I have so far argued the case on its merits; but there is another matter to which I desire to refer. My friend, the chairman of the committee, the junior Senator from Indiana [Mr. BEVERIDGE], who was there on the ground, will no doubt refer to it more fully and more extensively and demonstrate it mathematically. That part of the bill which relates to the admission of Arizona contains one of the most outrageous and one of the most partisan gerrymandering schemes that I have ever known or heard of in all my legislative experience. The Senator from Indiana will no doubt take that up, and when he takes it up he will demonstrate to the Senate by cold figures that there is an outrageous and a most partisan scheme of gerrymandering in that bill, such a scheme as never ought to be tolerated in any legislation passed by Congress.

Even if Arizona had intrinsic merit entitling it to admission to the Union, Mr. President, on account of that gerrymandering scheme, and on that account alone, that part of the bill relating to the Territory of Arizona ought not to pass.

Mr. President, I have now said what I intended to say about Arizona. I have spoken nearly two hours, and I should be very glad to postpone the further remarks I have to make until to-morrow morning, when, with the permission of the Senate, I shall resume.

#### EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 57 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 6, 1903, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate January 5, 1903.*

##### ENVOYS EXTRAORDINARY AND MINISTERS Plenipotentiary.

Charles Page Bryan, of Illinois, now envoy extraordinary and minister plenipotentiary to Switzerland, to be envoy extraordinary

and minister plenipotentiary of the United States to Portugal, vice Francis B. Loomis, nominated to be Assistant Secretary of State.

David J. Hill, of New York, now Assistant Secretary of State, to be envoy extraordinary and minister plenipotentiary of the United States to Switzerland, vice Charles Page Bryan, nominated to be envoy extraordinary and minister plenipotentiary to Portugal.

##### ASSISTANT SECRETARY OF STATE.

Francis B. Loomis, of Ohio, now envoy extraordinary and minister plenipotentiary to Portugal, to be Assistant Secretary of State, vice David J. Hill, nominated to be envoy extraordinary and minister plenipotentiary to Switzerland.

##### CONSULS.

William R. Estes, of Minnesota, to be consul of the United States at Antigua, West Indies, vice George Sawter, appointed consul-general at Guayaquil.

Hugh Pitcairn, of Pennsylvania, now consul at that place to be consul-general of the United States at Hamburg, Germany.

##### SURVEYORS OF CUSTOMS.

Thomas C. Elliott, of Illinois, to be surveyor of customs for the port of Cairo, in the State of Illinois. (Reappointment.)

Richard W. Burt, of Illinois, to be surveyor of customs for the port of Peoria, in the State of Illinois. (Reappointment.)

Henry L. Hines, of Massachusetts, to be surveyor of customs for the port of Springfield, in the State of Massachusetts. (Reappointment.)

Joseph W. Dillin, of Tennessee, to be surveyor of customs for the port of Nashville, in the State of Tennessee. (Reappointment.)

##### COLLECTORS OF CUSTOMS.

Daniel H. Moody, of Maine, to be collector of customs for the district of Wiscasset, in the State of Maine. (Reappointment.)

Sidney O. Weeks, of New York, to be collector of customs for the district of Patchogue, in the State of New York. (Reappointment.)

Peter Dippel, of New York, to be collector of customs for the district of Sag Harbor, in the State of New York. (Reappointment.)

William D. Crum, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina, in place of Robert M. Wallace, deceased.

##### PROMOTION IN THE ARMY.

##### *Judge-Advocate-General's Department.*

Maj. Harvey C. Carbaugh, judge-advocate, to be judge-advocate with the rank of lieutenant-colonel, December 18, 1902, vice Morrison, deceased.

##### UNITED STATES MARSHAL.

J. Duncan Adams, of South Carolina, to be United States marshal for the district of South Carolina, vice George I. Cunningham, deceased.

##### PROMOTIONS IN THE NAVY.

Commander George W. Baird, to be a captain in the Navy, from the 2d day of December, 1902, vice Capt. Edward H. Gheen, retired.

Lieut. Commander William Winder, to be a commander in the Navy, from the 21st day of November, 1902, vice Commander Richard Inch, promoted.

Lieut. Commander Charles B. T. Moore, to be a commander in the Navy, from the 21st day of November, 1902, vice Commander John E. Pillsbury, promoted.

Lieut. Commander Alfred Reynolds, to be a commander in the Navy, from the 2d day of December, 1902, vice Commander George W. Baird, promoted.

Lieut. (Junior Grade) Walter R. Gherardi, to be a lieutenant in the Navy, from the 23d day of September, 1902, vice Lieut. William C. P. Muir, promoted.

Asst. Surg. Richmond C. Holcomb, to be a passed assistant surgeon in the Navy, from the 2d day of December, 1901, to fill a vacancy existing in that grade on that date.

James P. DeBruler, a citizen of Indiana, to be an assistant surgeon in the Navy, from the 3d day of January, 1903, to fill a vacancy existing in that grade on that date.

Frederic R. Harris, a citizen of New York, to be a civil engineer in the Navy, from the 3d day of January, 1903, to fill a vacancy existing in that corps on that date.

Paymaster John Q. Lovell, to have the rank of lieutenant-commander in the Navy, from the 2d day of December, 1902.

##### CHAPLAIN IN THE NAVY.

Johnson McC. Bellows, a citizen of Connecticut, to be a chaplain in the Navy from the 31st day of December, 1902, to fill a vacancy existing in that grade on that date.

## POSTMASTERS.

## ALABAMA.

James M. Hobson, to be postmaster at Greensboro, in the county of Hale and State of Alabama, in place of James M. Hobson. Incumbent's commission expired December 20, 1902.

## ARIZONA.

Milton Bohall, to be postmaster at Nogales, in the county of Santa Cruz and Territory of Arizona, in place of Albert J. Griswold. Incumbent's commission expired January 12, 1902.

## ARKANSAS.

William C. Bill, to be postmaster at Ozark, in the county of Franklin and State of Arkansas. Office became Presidential January 1, 1903.

John A. Dudgeon, to be postmaster at Corning, in the county of Clay and State of Arkansas. Office became Presidential January 1, 1902.

## CONNECTICUT.

Eugene H. Merriman, to be postmaster at East Hartford, in the county of Hartford and State of Connecticut, in place of Eugene H. Merriman. Incumbent's commission expired June 8, 1901.

## COLORADO.

Maude E. McLean, to be postmaster at Breckenridge, in the county of Summit and State of Colorado, in place of Maude E. McLean. Incumbent's commission expired May 4, 1902.

## GEORGIA.

John A. Crawford, to be postmaster at Dalton, in the county of Whitfield and State of Georgia, in place of John A. Crawford. Incumbent's commission expires January 10, 1903.

## IDAHO.

Robert H. Barton, to be postmaster at Moscow, in the county of Latah and State of Idaho, in place of Robert H. Barton. Incumbent's commission expired December 21, 1902.

Orville J. Butler, to be postmaster at Harrison, in the county of Kootenai and State of Idaho. Office became Presidential July 1, 1902.

## ILLINOIS.

S. H. Aldridge, to be postmaster at Plymouth, in the county of Hancock and State of Illinois. Office became Presidential January 1, 1903.

John W. Church, to be postmaster at Marissa, in the county of St. Clair and State of Illinois. Office became Presidential January 1, 1903.

George C. Roberts, to be postmaster at Greenvew, in the county of Menard and State of Illinois. Office became Presidential January 1, 1903.

Thomas H. White, to be postmaster at National Stock Yards, in the county of St. Clair and State of Illinois, in place of Willet B. Stickney, resigned.

## INDIANA.

W. H. Hart, to be postmaster at Huntington, in the county of Huntington and State of Indiana, in place of Scott Cole, resigned.

Laron E. Street, to be postmaster at Brookston, in the county of White and State of Indiana. Office became Presidential January 1, 1903.

Henry Whitecotton, to be postmaster at Vanburen, in the county of Grant and State of Indiana. Office became Presidential January 1, 1903.

## IOWA.

Spencer H. Carr, to be postmaster at Ireton, in the county of Sioux and State of Iowa, in place of Willis W. Overholser. Incumbent's commission expires January 7, 1903.

Asahel B. Chrysler, to be postmaster at Lake Park, in the county of Dickinson and State of Iowa. Office became Presidential January 1, 1903.

Arthur S. Colby, to be postmaster at Hawarden, in the county of Sioux and State of Iowa, in place of Will A. Quigley. Incumbent's commission expires January 17, 1903.

E. P. Dalander, to be postmaster at Madrid, in the county of Boone and State of Iowa, in place of E. P. Dalander, to correct name.

Nettie J. Dill, to be postmaster at Columbus Junction, in the county of Louisa and State of Iowa, in place of Nettie A. Dill, to correct name.

Daniel P. Ellsworth, to be postmaster at Lohrville, in the county of Calhoun and State of Iowa. Office became Presidential January 1, 1903.

Francis H. Farley, to be postmaster at Sloan, in the county of Woodbury and State of Iowa. Office became Presidential January 1, 1903.

Thomas J. Hoffman, to be postmaster at Vail, in the county of Crawford and State of Iowa. Office became Presidential January 1, 1903.

Isaac Hossler, to be postmaster at Battle Creek, in the county of Ida and State of Iowa, in place of Isaac Hossler. Incumbent's commission expires January 27, 1903.

W. F. Laidley, to be postmaster at Bancroft, in the county of Kossuth and State of Iowa, in place of John B. Johnson, deceased.

William H. McClure, to be postmaster at Fontanelle, in the county of Adair and State of Iowa. Office became Presidential January 1, 1903.

Simon J. Mak, to be postmaster at Inwood, in the county of Lyon and State of Iowa. Office became Presidential January 1, 1903.

Moses D. Mosier, to be postmaster at Remsen, in the county of Plymouth and State of Iowa, in place of Moses D. Mosier. Incumbent's commission expires January 7, 1903.

Edwin M. Parker, to be postmaster at Newell, in the county of Buena Vista and State of Iowa, in place of Edwin M. Parker. Incumbent's commission expires January 27, 1903.

## KANSAS.

Sydney W. Gould, to be postmaster at Weir, in the county of Cherokee and State of Kansas, in place of Sydney W. Gould. Incumbent's commission expires January 17, 1903.

William C. Palmer, to be postmaster at Jewell, in the county of Jewell and State of Kansas, in place of William C. Palmer. Incumbent's commission expires January 27, 1903.

Caddie Smith, to be postmaster at Lebanon, in the county of Smith and State of Kansas, in place of E. McNall. Incumbent's commission expired January 10, 1902.

Joseph H. Woollen, to be postmaster at Mankato, in the county of Jewell and State of Kansas, in place of Joseph H. Woollen. Incumbent's commission expires January 17, 1903.

## MAINE.

John M. Oak, to be postmaster at Bangor, in the county of Penobscot and State of Maine, in place of John M. Oak. Incumbent's commission expires January 10, 1903.

## MARYLAND.

George C. Gardner, to be postmaster at Middletown, in the county of Frederick and State of Maryland. Office became Presidential January 1, 1903.

Thomas R. Green, to be postmaster at Denton, in the county of Caroline and State of Maryland, in place of Thomas R. Green. Incumbent's commission expires January 17, 1903.

Mary J. Perkins, to be postmaster at Hancock, in the county of Washington and State of Maryland. Office became Presidential January 1, 1903.

## MASSACHUSETTS.

John W. Fairbanks, to be postmaster at Westboro, in the county of Worcester and State of Massachusetts, in place of John W. Fairbanks. Incumbent's commission expires January 10, 1903.

Frederick E. Pierce, to be postmaster at Greenfield, in the county of Franklin and State of Massachusetts, in place of Frederick E. Pierce. Incumbent's commission expires January 10, 1903.

## MICHIGAN.

Joseph Wise, to be postmaster at Southlake Linden, in the county of Houghton and State of Michigan. Office became Presidential July 1, 1902.

## MINNESOTA.

Charles A. Birch, to be postmaster at Willmar, in the county of Kandiyohi and State of Minnesota, in place of Charles A. Birch. Incumbent's commission expires January 19, 1903.

Walter L. Bucksen, to be postmaster at Blooming Prairie, in the county of Steele and State of Minnesota, in place of Walter L. Bucksen. Incumbent's commission expires January 19, 1903.

John Lohn, to be postmaster at Fosston, in the county of Polk and State of Minnesota, in place of John Lohn. Incumbent's commission expires January 19, 1903.

Emma F. Marshall, to be postmaster at Red Lake Falls, in the county of Red Lake and State of Minnesota, in place of Emma F. Marshall. Incumbent's commission expires January 19, 1903.

## MISSISSIPPI.

Mellicent R. McInnis, to be postmaster at Moss Point, in the county of Jackson and State of Mississippi, in place of Catherine E. McInnis, deceased.

## MISSOURI.

Leo W. McDavitt, to be postmaster at La Plata, in the county of Macon and State of Missouri, in place of Edwin H. Babcock. Incumbent's commission expired July 7, 1902.

Albert A. Marshall, to be postmaster at Glasgow, in the county of Howard and State of Missouri, in place of Albert A. Marshall. Incumbent's commission expired January 14, 1903.

## MONTANA.

Julia A. Kline, to be postmaster at White Sulphur Springs, in the county of Meagher and State of Montana, in place of Julia A. Kline. Incumbent's commission expires January 12, 1903.

## NEW YORK.

Harrison Beecher, to be postmaster at Monticello, in the county of Sullivan and State of New York, in place of Harrison Beecher. Incumbent's commission expires January 13, 1903.

Paul R. Clark, to be postmaster at Auburn, in the county of Cayuga and State of New York, in place of Paul R. Clark. Incumbent's commission expired December 30, 1902.

George D. Genung, to be postmaster at Waverly, in the county of Tioga and State of New York, in place of George D. Genung. Incumbent's commission expires January 13, 1903.

Richard P. Groat, to be postmaster at Newark, in the county of Wayne and State of New York, in place of Richard P. Groat. Incumbent's commission expires January 13, 1903.

Albert S. Potts, to be postmaster at Cooperstown, in the county of Otsego and State of New York, in place of Albert S. Potts. Incumbent's commission expires January 13, 1903.

Benson C. Smith, to be postmaster at Port Byron, in the county of Cayuga and State of New York, in place of Benson C. Smith. Incumbent's commission expired December 20, 1902.

E. Eugene Sprague, to be postmaster at Carmel, in the county of Putnam and State of New York, in place of Bryant S. Palmer. Incumbent's commission expires January 31, 1903.

Matthew Taylor, to be postmaster at Schenectady, in the county of Schenectady and State of New York, in place of Matthew Taylor. Incumbent's commission expired December 15, 1902.

Carlton D. Wing, to be postmaster at Attica, in the county of Wyoming and State of New York, in place of Carlton D. Wing. Incumbent's commission expires January 13, 1903.

## NEBRASKA.

John A. Anderson, to be postmaster at Wahoo, in the county of Saunders and State of Nebraska, in place of John A. Anderson. Incumbent's commission expired July 1, 1902.

James H. Logan, to be postmaster at Ponca, in the county of Dixon and State of Nebraska, in place of James H. Logan. Incumbent's commission expires January 7, 1903.

Will A. Needham, to be postmaster at Bloomfield, in the county of Knox and State of Nebraska, in place of Will A. Needham. Incumbent's commission expires January 19, 1903.

William A. Rodgers, to be postmaster at Gibbon, in the county of Buffalo and State of Nebraska. Office became Presidential July 1, 1902.

Ira E. Tash, to be postmaster at Alliance, in the county of Boxbutte and State of Nebraska, in place of Richard W. Montgomery, removed.

## NORTH CAROLINA.

General W. Crawford, to be postmaster at Marion, in the county of McDowell and State of North Carolina, in place of General W. Crawford. Incumbent's commission expires January 19, 1903.

## OHIO.

Erwin G. Chamberlin, to be postmaster at Caldwell, in the county of Noble and State of Ohio, in place of E. G. Chamberlain, to correct name.

John M. Gallagher, to be postmaster at Quaker City, in the county of Guernsey and State of Ohio. Office became Presidential January 1, 1903.

James Medford, to be postmaster at Brookville, in the county of Montgomery and State of Ohio. Office became Presidential January 1, 1903.

J. W. Prine, to be postmaster at Ashtabula, in the county of Ashtabula and State of Ohio, in place of James M. Wilcox, deceased.

## PENNSYLVANIA.

Anna B. Beatty, to be postmaster at Cochran, in the county of Crawford and State of Pennsylvania. Office became Presidential January 1, 1903.

George A. Lukehart, to be postmaster at Dubois, in the county of Clearfield and State of Pennsylvania, in place of William M. Cochran. Incumbent's commission expired July 7, 1902.

Thomas K. Pullin, to be postmaster at Confluence, in the county of Somerset and State of Pennsylvania. Office became Presidential January 1, 1903.

William C. Steele, to be postmaster at Brownsville, in the county of Fayette and State of Pennsylvania, in place of William C. Steele. Incumbent's commission expires January 31, 1903.

John H. Thomas, to be postmaster at Carbondale, in the county of Lackawanna and State of Pennsylvania, in place of John H. Thomas. Incumbent's commission expires January 31, 1903.

## TEXAS.

Isham H. Nelson, to be postmaster at Snyder, in the county of Scurry and State of Texas. Office became Presidential October 1, 1902.

## VIRGINIA.

Willard B. Alfred, to be postmaster at Clarksville, in the county of Mecklenburg and State of Virginia. Office became Presidential January 1, 1903.

James Carter, to be postmaster at Chatham, in the county of Pittsylvania and State of Virginia, in place of Mollie E. Goolsby. Incumbent's commission expired April 8, 1900.

George T. Tilley, to be postmaster at Berkley, in the county of

Norfolk and State of Virginia, in place of George T. Tilley. Incumbent's commission expires January 17, 1903.

## WEST VIRGINIA.

Charles Edwards, to be postmaster at Montgomery, in the county of Fayette and State of West Virginia, in place of Mary V. B. Montgomery, removed.

## WISCONSIN.

John W. Bell, to be postmaster at Chetek, in the county of Barron and State of Wisconsin. Office became Presidential January 1, 1903.

Ole Erickson, to be postmaster at Grantsburg, in the county of Burnett and State of Wisconsin. Office became Presidential January 1, 1903.

John Vilberg, to be postmaster at Mount Horeb, in the county of Dane and State of Wisconsin. Office became Presidential January 1, 1903.

## WYOMING.

John W. Chrisman, to be postmaster at Green River, in the county of Sweetwater and State of Wyoming, in place of Lemuel C. Schultz, resigned.

## WITHDRAWAL.

*Executive nomination withdrawn January 5, 1903.*

George Richardson, to be postmaster at Farmville, in the State of Virginia.

## CONFIRMATION.

*Executive nomination confirmed by the Senate January 5, 1903.*

## POSTMASTER.

## WEST VIRGINIA.

Charles Edwards, to be postmaster at Montgomery, in the county of Fayette and State of West Virginia.

## HOUSE OF REPRESENTATIVES.

MONDAY, January 5, 1903.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, December 20, 1902, was read and approved.

## QUALIFICATION OF A MEMBER.

Mr. McDERMOTT. Mr. Speaker, I rise to a question of privilege, and present the credentials of Mr. De Witt C. Flanagan, a member-elect from the State of New Jersey.

The credentials were read.

Mr. Flanagan then came forward and was duly qualified by taking the oath of office prescribed by law.

## MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who informed the House of Representatives that the President had approved and signed bills of the following titles:

On December 22, 1902:

H. R. 15372. An act to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners; and

H. R. 16057. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903.

On December 23, 1902:

H. R. 14801. An act to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement;

H. R. 15445. An act to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga.; and

H. R. 15593. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1904, and for other purposes.

On December 24, 1902:

H. R. 4471. An act for the relief of James M. Chisham.

On December 27, 1902:

H. R. 2492. An act to reimburse the Mollert Foundry and Machine Company for money retained by the United States for failure to complete a contract within a specified time;

H. R. 931. An act granting a pension to Huldah A. Clark;

H. R. 1090. An act granting a pension to James E. Bates;

H. R. 1523. An act granting a pension to Susan J. Taylor;

H. R. 2483. An act granting a pension to James A. Clifton;

H. R. 2618. An act granting a pension to Michael Mullin;  
 H. R. 3330. An act granting a pension to Calvin Duckworth;  
 H. R. 6003. An act granting a pension to Mary Stone;  
 H. R. 6968. An act granting a pension to Cappa King;  
 H. R. 10174. An act granting a pension to Jennie M. Sawyer;  
 H. R. 10394. An act granting a pension to William H. Ruggles;  
 H. R. 10761. An act granting a pension to Anne Bronson;  
 H. R. 11196. An act granting a pension to Abbie Bourke;  
 H. R. 11453. An act granting a pension to Catharine Freeman;  
 H. R. 12279. An act granting a pension to Nancy M. Gunsally;  
 H. R. 12336. An act granting a pension to John A. Kirkham;  
 H. R. 12932. An act granting a pension to Elizabeth D. Harding;  
 H. R. 14701. An act granting a pension to Mary A. Peters;  
 H. R. 14774. An act granting a pension to John C. Clarke;  
 H. R. 832. An act granting an increase of pension to William Clark;  
 H. R. 1745. An act granting an increase of pension to Marvin Chandler;  
 H. R. 1931. An act granting an increase of pension to John Ludwig;  
 H. R. 3291. An act granting an increase of pension to Arthur P. Lovejoy;  
 H. R. 3517. An act granting an increase of pension to Stephen Harris;  
 H. R. 3653. An act granting an increase of pension to James W. Poor;  
 H. R. 4261. An act granting an increase of pension to Sanders R. Seamounts;  
 H. R. 5453. An act granting an increase of pension to Thomas Wilkinson;  
 H. R. 5961. An act granting an increase of pension to Charles F. Coles;  
 H. R. 6401. An act granting an increase of pension to David E. Hall;  
 H. R. 6481. An act granting an increase of pension to Millen McMillen;  
 H. R. 6823. An act granting an increase of pension to Allen W. Merrill;  
 H. R. 7040. An act granting an increase of pension to Benjamin Grinnell;  
 H. R. 7041. An act granting an increase of pension to Thomas J. Pleasant;  
 H. R. 8712. An act granting an increase of pension to James S. Young;  
 H. R. 8856. An act granting an increase of pension to Leon King;  
 H. R. 10876. An act granting an increase of pension to Joseph Mote;  
 H. R. 11638. An act granting an increase of pension to Samuel Hyman;  
 H. R. 11893. An act granting an increase of pension to Cornelia A. Dennis;  
 H. R. 11979. An act granting an increase of pension to William W. Anderson;  
 H. R. 13355. An act granting an increase of pension to William H. Snyder;  
 H. R. 13367. An act granting an increase of pension to Jonathan Walbert;  
 H. R. 13449. An act granting an increase of pension to Mary A. E. Scott; and  
 H. R. 13665. An act granting an increase of pension to George R. Baldwin.

#### EFFICIENCY OF THE ARMY.

Mr. HULL. I ask unanimous consent for the immediate consideration of the bill which I sent to the Clerk's desk.

The SPEAKER. The gentleman from Iowa, chairman of the Committee on Military Affairs, asks unanimous consent for the present consideration of the bill which the Clerk will report.

The bill was read, as follows:

A bill (H. R. 15449) to increase the efficiency of the Army.

*Be it enacted, etc.,* That there is hereby established a general staff corps, to be composed of officers detailed from the Army at large, under such rules as may be prescribed by the President.

SEC. 2. That the duties of the general staff corps shall be to prepare plans for the national defense and for the mobilization of the military forces in time of war; to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations; to render professional aid and assistance to the Secretary of War and to general officers and other superior commanders, and to act as their agents in informing and coordinating the action of all the different officers engaged in carrying out their orders; and to perform such other duties as may be from time to time prescribed by the President.

SEC. 3. That the general staff corps shall consist of 1 chief of staff of the Army, with the rank, pay, and allowances of a lieutenant-general, 1 major-general and 1 brigadier-general, to be detailed by the President from officers of the Army at large not below the grade of brigadier-general, and who while so serving shall have the rank, pay, and allowances of the grade to which detailed; 4 colonels, 6 lieutenant-colonels, and 12 majors, to be detailed from the corresponding grades in the Army at large, under such rules for

selection as the President may prescribe; 20 captains, mounted, to be detailed from officers of the Army at large of the grades of captain or first lieutenant, who while so serving shall have the rank, pay, and allowances of captain mounted. All officers detailed in the general staff corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the general staff corps officers may be temporarily assigned to duty with any branch of the Army. Upon being relieved from duty in the general staff corps officers shall return to the branch of the Army in which they hold permanent commission, and no officer except a general officer shall be eligible to a further detail in the general staff corps until he shall have served two years with the branch of the Army in which commissioned, except in case of emergency in time of war.

SEC. 4. That the chief of staff, under the direction of the President and Secretary of War, shall have supervision of all troops of the line and of the several administrative staff and supply departments, and shall perform such other duties as may be assigned to him by the President and Secretary of War. Duties now prescribed by statute for the Commanding General of the Army as a member of the Board of Ordnance and Fortification and of the Board of Commissioners of the Soldiers' Home shall be performed by the chief of staff or other officer designated by the President. Acts and parts of acts authorizing aids-de-camp and military secretaries shall not apply to general officers of the general staff corps.

SEC. 5. That inspections of troops necessary to insure their discipline, instruction, efficiency, and welfare shall habitually be made by the general or other officer under whose command they are. Inspections of the Army at large, which may be necessary from time to time to determine its efficiency in whole or in part, particularly as to equipment, discipline, and instruction, shall be made by officers of the general staff corps. The inspection of money accounts heretofore made by officers of the Inspector-General's Department shall be transferred, as soon as practicable, to the Treasury Department, and thereafter such inspections shall be made by expert accountants of that Department at such intervals as the Secretary of the Treasury may deem necessary: *Provided*, That the Secretary of War is authorized to establish such regulations as may be necessary for the disposition of unserviceable and useless articles of public property heretofore acted upon by the Inspector-General's Department.

SEC. 6. That officers holding permanent commissions in the Inspector-General's Department may be detailed as above provided to duty in the general staff corps or to any other duty which the interest of the service may require, and they shall be eligible to detail, irrespective of rank, to any grade in the general staff corps. Officers serving by detail in the Inspector-General's Department not selected for detail in the general staff corp or other staff department shall be relieved and returned to duty with the branch of the Army to which they permanently belong. So long as any officers holding permanent commissions as inspectors-general remain on the active list they shall be promoted according to the established rules of seniority up to and including the grade of colonel, and when all the inspectors-general holding permanent commissions shall have been separated from the active list the Inspector-General's Department shall be discontinued as a separate organization and bureau of the War Department.

SEC. 7. That nothing in this act shall be construed to reduce the numbers or grades of general officers now provided by law for the line of the Army.

The following amendments, reported by the Committee on Military Affairs, were read:

Section 3, page 2, line 3, strike out beginning with the word "that" down to and including the word "detailed" in line 9 and insert in lieu thereof the following:

"That the General Staff Corps shall consist of one Chief of Staff and two general officers, all to be detailed by the President from officers of the Army at large not below the grade of brigadier-general."

In line 13, page 2, strike out the word "mounted."

In lines 5 and 6, section 4, page 3, strike out the words "several administration staff and supply departments" and insert in lieu thereof the words "Adjutant-General's, Inspector-General's, Judge-Advocate's, Quartermaster's, Subsistence, Medical, Pay, and Ordnance departments, the Corps of Engineers, and the Signal Corps."

Strike out all after the words "General Staff Corps," in line 14, section 4, page 3.

The SPEAKER. Is there objection?

Mr. RICHARDSON of Tennessee. I can not think that a bill of this importance ought to be considered by unanimous consent. Therefore I object.

The SPEAKER. Objection is made.

Mr. HULL. I move to suspend the rules and pass the bill with the amendments as read.

Mr. RICHARDSON of Tennessee. I shall demand a second; and I want to ask the gentleman—

The SPEAKER. The gentleman from Tennessee demands a second.

Mr. HULL. I ask unanimous consent that a second be considered as ordered.

Mr. RICHARDSON of Tennessee. I wish to raise the question of order whether the committee has directed this bill to be brought up in this way.

The SPEAKER. The Chair will state that this is individual suspension day, but the Chair was advised—

Mr. RICHARDSON of Tennessee. Does the Chair recognize the gentleman for this motion in his individual capacity or as chairman of the committee? The Chair addressed him as chairman of the committee.

The SPEAKER. The Chair so referred to the gentleman in announcing the request for unanimous consent. Of course, the recognition is now an individual recognition.

Mr. HULL. I will state to the gentleman from Tennessee that I have already interviewed the majority of the committee, and they gave me consent to call this bill up as chairman.

Mr. RICHARDSON of Tennessee. I could not hear whether the gentleman made this motion as an individual or as chairman of the committee. I demand a second.

Mr. HULL. I ask unanimous consent that a second be considered as ordered.

Mr. RICHARDSON of Tennessee. No; I can not agree to that.

The SPEAKER. The Chair appoints the gentleman from Iowa [Mr. HULL] and the gentleman from Tennessee [Mr. RICHARDSON] as tellers.

Mr. SLAYDEN. I rise to a parliamentary inquiry. What will be the parliamentary status of this bill in the event that a second is ordered and the motion of the chairman of the committee prevails? Will it be open to any further amendment?

The SPEAKER. The motion of the gentleman from Iowa, if it prevails, will pass the bill with the amendments as read. If the motion should be rejected, the bill will go to the Calendar. No other amendments will be in order except by unanimous consent. The gentleman from Iowa and the gentleman from Tennessee will take their places as tellers.

The House divided; and the tellers reported—ayes 79, noes 51. So a second was ordered.

The SPEAKER. The Chair recognizes the gentleman from Iowa for twenty minutes.

Mr. HULL. Mr. Speaker, I am somewhat surprised that there is any opposition to this bill, as the committee, both in its minority and majority—

Mr. RICHARDSON of Tennessee. Mr. Speaker, will the gentleman allow me a moment?

The SPEAKER. Does the gentleman yield?

Mr. HULL. Not out of my time.

Mr. RICHARDSON of Tennessee. I did not want the gentleman to take judgment by default.

Mr. HULL. I am not going to.

Mr. RICHARDSON of Tennessee. I have not opposed the bill.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Tennessee?

Mr. HULL. I do not. He has as much time as I. I say that the bill as reported from the committee had the unanimous indorsement of both the minority and majority members. There was some difference of opinion as to the amendments, but after it was once completed the minority members suggested that even in the report it be submitted as a unanimous report.

Mr. Speaker, the bill is not a complex one or hard to understand. It is simply for the purpose of creating a body of men without additional rank for the purpose of coordinating all the different staff corps and, in place of each one running in its own groove, reporting to the Secretary of War, and putting upon him the burden of passing on each of the questions affecting each staff corps, to have a trained body of officers take up all of these questions and report to the Secretary of War through its chief of the general staff. For instance, since the beginning of the Spanish war, with each of the staff corps an independent body, you have the Quartermaster and the Commissary and the Ordnance and the Engineers and all the supply and administrative departments acting in a sense as independent bureaus.

The Secretary of War, of course, has control over all, but it throws a volume of work on the Secretary of War and is impossible for anyone to properly and efficiently discharge the duties thereby imposed upon him. This coordinates all these departments. It provides for a detail of officers from the line of the Army or from the staff, from the Army at large, to take into consideration all these questions of administration, and in the event of war all questions of the efficient discharge of the duties of the supply, administrative, and executive departments of the War Department. It seems to me that the experience of the Government has demonstrated positively the necessity for such a body of men as this. As originally introduced it provided for an increase of rank for the chief of staff and the two assistant chiefs of staff, one of them, while acting, to have the rank, pay, and allowance of lieutenant-general and the other two the rank, pay, and allowance of major-generals.

That has been stricken out, so that now if the bill passes, as is proposed by the committee and as is moved by me, it will require the President to detail, if he so desires, the Lieutenant-General to act as chief of staff, but it gives no additional rank if he selects a brigadier-general to act as chief of staff. He simply takes the rank that he holds while discharging these additional functions. There is but one class of men which secures any additional rank. That is where a first lieutenant is detailed to act. He gets additional pay while so acting, and the reason for that, it seems to me, is apparent to every member of this House, that while he is called here to perform these duties his expenses are increased to an amount more than equal to the additional pay. It makes the increase only a minimum. The Lieutenant-General may be detailed as chief. But if some man of exceptional ability other than the Lieutenant-General is desired by the Secretary of War to fill this position, the detail can be made, but the officer gets no additional rank or pay.

Now, Mr. Speaker, I do not know that I care to take the time of the House longer, and will reserve the balance of my time until I learn what opposition there is to the measure.

Mr. BARTLETT. Mr. Speaker—

Mr. WARNER. Mr. Speaker—

Mr. BARTLETT. May I ask the gentleman a question for information about the bill?

Mr. HULL. Certainly.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Illinois who has just addressed the Chair?

Mr. HULL. I yield first to the gentleman from Georgia [Mr. BARTLETT].

The SPEAKER. The gentleman from Georgia did not address the Chair.

Mr. HULL. Then I yield to the gentleman from Illinois.

Mr. BARTLETT. The Chair is mistaken about that, Mr. Speaker.

The SPEAKER. The Chair did not hear the gentleman. Will the gentleman from Illinois suspend a moment?

Mr. BARTLETT. "The gentleman from Georgia" has not violated the rule, and is not subject to the criticism of the Chair.

The SPEAKER. The Chair apologizes to the gentleman from Georgia, if the gentleman from Georgia addressed the Chair. The Chair did not hear him, and the gentleman from Georgia will understand that it is necessary to follow the rule, in order that the business of the House may be transacted in an orderly manner.

Mr. BARTLETT. There is nobody who is more mindful of the rules of the House than myself, and I am not justly entitled to receive the criticism of the Chair.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Georgia?

Mr. HULL. I yield to the gentleman from Georgia.

Mr. BARTLETT. I desire to ask the gentleman from Iowa if the provision on page 3, beginning at line 14, with the words "duty now prescribed" and ending on line 18 with the words "designated by the President," will not in effect make a new commanding general of the Army, and displace the present commanding general of the Army, the Lieutenant-General?

Mr. HULL. Mr. Speaker, in answer to that I want to say to the gentleman from Georgia, and the members of this House, that the commanding general of the Army, under our form of government, is a mere myth. The President of the United States, by the Constitution, is the Commander in Chief of the Army; and the Secretary of War is and will remain the officer through whom all these orders will emanate; and in place of taking anything away from the general of the Army, outside of being president of the Board of Ordnance and Fortification, and president of the Board of Managers of the Soldiers' Home, this bill does not affect him in the slightest degree. He is to-day called by law general of the Army, and yet every man on this floor knows that as a matter of fact he has no command, and has no right to issue commands to the Army except as directed by the President and Secretary of War.

I should imagine that if this bill passes it will have the effect to harmonize the Army administration in this, that the Lieutenant-General of the Army will have the highest command, where it is an actual command, the Department of the East, and that the friction which has been so long continued in this country, dating from General Scott, at least, down to the present time, will be obviated in the future.

The bill recognizes in law what is recognized by the Constitution—that there is no commanding general of the Army except the President of the United States.

Mr. BARTLETT. May I complete my inquiry?

Mr. HULL. I yield to the gentleman.

Mr. BARTLETT. From the gentleman's statement it appears that if this bill passes you will have two commanding generals of the Army.

Mr. HULL. Oh, no.

Mr. BARTLETT. One performing the duties and one pretending mythically to perform them.

Mr. HULL. No, sir; Mr. Speaker, I do not concede any such thing. I concede that we have but one Commander in Chief of the Army, and that is the President of the United States, just as he is to-day.

Mr. BARTLETT. I understand that as well as the gentleman does, but—

Mr. HULL. And that this does not change the relations of the Lieutenant-General, with the exception of the provision as to who shall preside over the Board of Managers of the Soldiers' Home and the Board of Ordnance and Fortification.

Mr. BARTLETT. May I trespass on the time of the gentleman to ask another question on this subject? Then we will have two commanding generals of the Army drawing two salaries for the same work?

Mr. HULL. No, sir; we will not. We do not increase the officers by a single man. We do not give a single additional rank to anybody except the first lieutenant. As I said before, that part of the bill creating a new Lieutenant-General has been stricken

out and that part creating additional rank has been stricken out. This chief of staff issues no orders except as orders are issued to-day, by direction of the President and authority of the Secretary of War. I now yield to the gentleman from Illinois [Mr. WARNER].

Mr. WARNER. Mr. Speaker, I notice that section 4 of this proposed bill provides "that the chief of staff, under direction of the President and Secretary of War, shall have supervision," etc. Then, lower down, "and shall perform such other duties as may be assigned to him by the President and Secretary of War."

Mr. HULL. Yes.

Mr. WARNER. Does not that make two commanders of the Army?

Mr. HULL. It does not.

Mr. WARNER. Does it not require both of them to jointly agree as to the policy? Say that the President and Secretary of War should tie.

Mr. HULL. In that case the President governs.

Mr. WARNER. Not according to this bill.

Mr. HULL. And he has the power to make a new Secretary of War whenever they do not get along together harmoniously.

Mr. WARNER. Say you have a Secretary of War who does not agree with the President.

Mr. HULL. It follows the usual course.

Mr. WARNER. Then you want to have one more. You ought to have three, instead of two, in case they tied.

Mr. HULL. There will never be a tie. The President is supreme in commanding the Army.

Mr. WARNER. The other man is not a free moral agent, then.

Mr. HULL. The President has power to give an officer any assignment he pleases. He can not make him serve under any junior officer. He would not succeed in doing that; but he could put him on waiting orders. He could assign him to duty in the Department of the East, if he desired to do so. He could do that now.

Mr. WARNER. So as to have that question before the House, I move to amend it by striking out the words "Secretary of War" wherever they appear.

Mr. HULL. It is not subject to amendment as it is now before the House.

Mr. SLAYDEN. Would the chairman of the committee intimate the nature of the amendment of the committee that is offered?

Mr. HULL. I simply offered the committee amendments. I have offered no amendment personally.

Mr. SLAYDEN. I would like to ask the gentleman if he is willing to accept another amendment, to be offered by a member of the committee?

Mr. HULL. I can not. I can not go beyond what the committee authorized me to do.

Mr. SLAYDEN. If the gentleman desires to, Mr. Speaker, I would be glad to state to him what that amendment will be.

Mr. HULL. I will say to the gentleman from Texas that the bill was fully considered by the committee, after extensive hearings; and after the action was taken upon the bill I will not take the responsibility of accepting or offering any additional amendment to the bill.

Mr. SLAYDEN. Mr. Speaker, as a possible means of keeping the waters calm, I would like to suggest to the gentleman what the amendment is, and I think it entirely probable he might be willing to accept it.

Mr. HULL. I can not accept any amendment.

Mr. SLAYDEN. By unanimous consent it could be accepted.

Mr. HULL. Of course. Offer it, and ask for unanimous consent, and I will make no objection. What is it?

Mr. SLAYDEN. I would suggest, Mr. Speaker, that the amendment which is proposed to be offered is to amend section 2, by clarifying the language, by making it so simple and plain that anyone can understand it where it does seem vague, and where the main purpose of the bill is made more perfectly clear. It is to amend section 2 by striking out, after the word "commanders," on page 1, in line 12, certain unnecessary and vague language, as I think, after the word "commanders," in line 12, page 2, down to and including the word "orders," line 2, page 2, and inserting after the word "duties," on page 2, line 2, the words "not otherwise assigned by law."

Mr. HULL. You do not strike out the other language.

Mr. SLAYDEN. I do. I think that language is unnecessary.

Mr. HULL. I will say to the gentleman that he is striking out certain things not necessary for the purpose of his amendment. I think the gentleman's amendment is simply to insert in page 2, line 2, the words "such other duties as not prescribed by law." It is not necessary to move to strike out those other words.

Mr. SLAYDEN. My suggestion, Mr. Speaker, is to strike out the language on line 13, page 1, of the bill: "And to act as their agents in informing and coordinating the action of all the different officers engaged in carrying out their orders," and inserting after the word "duties," in line 2, page 2, the words "not other-

wise assigned by law." The purpose—if I may be indulged a moment—in striking out this language is simply to remove unnecessary verbiage of the bill and make its purpose perfectly clear.

Mr. HULL. If the gentleman will modify his request, simply to insert those words after the word "duties," I have no objection to it, because I do not believe it makes any difference; but by striking out the other language it does.

The SPEAKER. The gentleman will indicate the proposed modification of his amendment.

Mr. SLAYDEN. I will modify my amendment so as to insert after the word "duties," in line 2, on page 2 of the bill, the words "not otherwise assigned by law."

The SPEAKER. The Clerk will report the proposed amendment, after which the Chair will ask if there be objection to its consideration.

The Clerk read as follows:

On page 2, line 2, after the word "duties," insert "not otherwise assigned by law."

The SPEAKER. Is there objection to its being considered as pending to be voted upon with the other amendments? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Speaker, does the gentleman from Iowa yield to the gentleman from Texas?

Mr. HULL. I do.

Mr. BINGHAM. Mr. Speaker—

The SPEAKER. In this connection let the Chair state that when gentlemen address the Chair and ask permission to interrupt they must wait for the Chair to get the consent of the gentleman having control of the floor.

Mr. SLAYDEN. Mr. Speaker, in order to preserve the symmetry of the bill it is necessary to insert in section 4, line 12, the same language which the chairman consented to accept—

Mr. HULL. After the word "duties," in line 12?

Mr. SLAYDEN. Yes; in line 12, on page 3.

Mr. HULL. There is no objection to that.

The SPEAKER. Let the Clerk report the amendment.

The Clerk read as follows:

On page 3, line 12, after the word "duties," insert "not otherwise assigned by law."

The SPEAKER. Is there objection to that being considered as pending with the other amendment? [After a pause.] The Chair hears none.

Mr. BINGHAM. Mr. Speaker, will the gentleman from Iowa yield to me for a question?

Mr. HULL. I will.

Mr. BINGHAM. Assuming this proposed legislation is enacted into law, what will be the duties of the Lieutenant-General?

Mr. HULL. Practically the same as now. He will probably be assigned to the command of Governors Island. He may be appointed chief of staff. The President has unlimited discretion as to the chief of staff, provided he does not go below the grade of brigadier-general.

Mr. BINGHAM. He will have no distinct command?

Mr. HULL. He has none now, only nominal. But if he should not be assigned as chief of staff he would probably be assigned to Governors Island as the highest command of the Army in actual importance.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has only one minute remaining.

Mr. RICHARDSON of Tennessee. Mr. Speaker, when I objected to the request for unanimous consent for the consideration of this bill I had not had an opportunity to examine it or any of its provisions. It did not follow that because I objected to unanimous consent that I was opposed to the bill. When the gentleman moved to suspend the rules under the rules of the House and pass the bill, and I demanded a second, it did not follow that necessarily I was opposed to the passage of the bill; the usual formula was followed by me in order that we might have a debate and an explanation. But the gentleman from Iowa saw fit to take offense and plunge off in his able address in advocacy of the bill by an ex cathedra statement that I was opposed to the bill.

I may or may not be opposed to it; I certainly had not developed, up to that time, opposition to the final passage of the measure. When I appealed respectfully to the gentleman to permit me to make a statement that I had not opposed the bill, I was ruthlessly waived aside. That is all right if it comports with his idea of proper treatment of his colleagues on the floor.

Now, Mr. Speaker, the bill is a very far-reaching one. It makes radical changes in the management, control, and command of the Army. I did not believe then, nor do I believe now, after listening to the able argument of the gentleman, that such a bill should be called up and passed by unanimous consent. When unanimous consent is given for the passage of any measure and it is taken up and passed, it may be assumed that every man on both sides of the Chamber favors its enactment into law. I did not think a bill of this magnitude should be considered and passed under unanimous consent. I did not think twenty minutes' debate on

a side is sufficient, with no opportunity to amend it, and for that reason I did not think the bill should be passed under a suspension of the rules. I think when a bill affecting the United States Army from top to bottom is considered and passed by Congress it should be considered in such method and after such fashion as to permit members on either side of the Chamber to offer amendments in order that the measure may be perfected.

Under the pending motion to suspend the rules and pass the bill no amendment can be offered from either side by any gentleman except by unanimous consent. I say this is a far-reaching bill. It may be wise to pass it. It starts out by the establishment of a general staff corps, something heretofore unknown in this country under our law, and provides for a chief of staff. Then it directs what this general staff corps shall do. First, it shall prepare plans for the national defense and for the mobilization of the military forces in time of war; it declares what this general in chief of the Army, or chief of staff, shall do. He is to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations, to render professional aid and assistance to the Secretary of War and to general officers and other commanders, and so on.

The bill then provides how this staff shall be organized. I read from it:

That the general staff corps shall consist of one chief of staff and general officers, all to be detailed by the President from officers of the Army at large not below the grade of brigadier-general.

Mr. Speaker, if this bill passes it puts it in the power of the President to name a brigadier-general as chief of staff. He may not name a brigadier-general, but the bill puts it in his power to do so and confers upon such chief of staff great powers, some of which I have enumerated, as set forth in the first section of this bill.

It may be right to displace the Lieutenant-General; it may be right to displace his corps of assistants—major-generals in command of the different divisions of the Army; it may be proper to do these things and more, but it did not seem to me, and it does not now seem to me, that a bill with such provisions ought to be passed in this hurried fashion.

What shall this chief of staff do? The bill provides who shall compose this staff corps, but the chief shall be not less than a brigadier-general in rank.

The chief of staff, under the direction of the President and Secretary of War, shall have supervision of all troops of the line—

and not only all troops of the line, but of the—

Adjutant-General's, Inspector-General's, Judge-Advocate's, Quartermaster's, Subsistence, Medical, Pay, and Ordnance departments, the Corps of Engineers, and the Signal Corps.

All these important branches are put under this brigadier-general as chief of staff. I imagine, Mr. Speaker, that with a lieutenant-general, full fledged, in commission, and with half a dozen or more major-generals in command of the line, anywhere in the United States, or elsewhere, where war may prevail, it would hardly be the proper thing to put this chief of staff, a brigadier-general, in charge and in supreme control, under the direction, of course, of the President and Secretary of War. I imagine that a man who has reached the high grade of Lieutenant-General of the Army would be the best man in all of the command—a man of more experience—the best man in the Army to take supreme control, and he should be such, it seems to me, if he measures up to the high standard of Lieutenant-General of the United States Army.

These being my objections, it seems to me that we ought to have something more than the mere statement of the gentleman from Iowa that this bill ought to pass. I confess that I am weakened somewhat in my opposition to the bill by the fact that the minority members, gentlemen on this side of the Chamber, who constitute a part of the Military Committee, seem to favor its passage. My friend from Virginia [Mr. HAY], my friend from Texas, and my friend from Illinois say the bill should pass. That being true, while I can not see the demand for the bill, I am inclined to make less violent opposition to its passage than I should otherwise make.

Mr. Speaker, that is about all I care to say. I yield to my friend from Virginia [Mr. HAY] five minutes, or longer if he wants it.

Mr. HULL. I ask the gentleman from Tennessee—

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Virginia.

Mr. HULL. Let me say, then, to my friend from Virginia that if such is the desire of the gentleman from Tennessee—and I want to assure him that I have no intention of discourtesy—that further debate should be had on this bill, I will ask unanimous consent that the debate be continued for forty minutes.

Mr. RICHARDSON of Tennessee. The gentleman has consumed his nineteen minutes, and he seemed to prefer the course he has taken. I yield five minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I have only a very few words to say

in regard to this bill. There seems to be some confusion in the minds of gentlemen as to the powers of the Lieutenant-General of the Army. That officer has no powers except such as may be conferred upon him by the Commander in Chief of the Army, the President of the United States.

Mr. KLUTTZ. Will the gentleman yield for a question?

Mr. HAY. Certainly.

Mr. KLUTTZ. Would it not answer all the purposes stated by the advocates of this bill if we should simply confer these powers upon the Lieutenant-General of the Army?

Mr. HAY. No; it would not.

Mr. KLUTTZ. Why not?

Mr. HAY. Because, for instance, the Lieutenant-General of the Army can not perform all his own duties as general of the Army and also those which the chief of staff is called on to perform.

Mr. KLUTTZ. What duties will this bill leave for the Lieutenant-General of the Army? Will it not leave him a mere myth, as has been suggested?

Mr. HAY. Not at all. The Lieutenant-General of the Army will still be the Lieutenant-General of the Army—

Mr. KLUTTZ and others. In name?

Mr. HAY. And the chief of staff will be in a position to coordinate and bring together all the different staff departments.

We all know the trouble that we had during the Spanish War. We all know that immense supplies were taken to Florida, and that by reason of the differences in the orders issued from the various heads of departments it was impossible, sometimes for a week at a time, for the soldiers to be supplied with rations and quartermaster supplies.

Mr. KLUTTZ. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. HAY. Yes.

Mr. KLUTTZ. Was not that due largely to differences between the Lieutenant-General of the Army and the Administration?

Mr. HAY. Not at all.

Mr. KLUTTZ. And not to any intrinsic weakness in his position?

Mr. HAY. Not at all. There was no difference between the Lieutenant-General of the Army and the Administration at that time, so far as I know of, in regard to supplying the Army with what it needed. There was no difference at all. This bill simply does by a Congressional act what the President can to-day do if he chooses to do it. As Commander in Chief of the Army under the Constitution of the United States he can call here a staff and put a man at the head of it and assign to him the various duties which are assigned to him under this bill.

Mr. STEELE. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. HAY. Yes.

Mr. STEELE. I would like to ask the gentleman if this bill does not practically eliminate the Lieutenant-General from the Army? In other words, would it be possible under this bill for the commanding general of the Army in time of war to have his headquarters out of Washington? The chief of staff by this bill must be in Washington, and the commanding general of the Army is chief of staff?

Mr. HAY. No; the commanding general of the Army is not chief of staff. This bill authorizes the President to detail any officer he pleases as chief of staff, and he can detail him back to the line at any moment, if he wants to do it.

Mr. STEELE. But he is to serve here?

Mr. HAY. Of course he is to serve here, but in the event of a war he could be detailed to command the Army if the Commander in Chief of the Army chose to detail him.

Mr. HULL. That can be done now.

Mr. HAY. Of course it can.

Mr. STEELE. The President can assign any officer to command the Army now, but all the time subject to this staff corps, to this little coterie, the little petticoat army here in Washington.

Mr. HAY. Do you mean that the President is subject to that?

Mr. STEELE. That is not what I mean.

Mr. HAY. If what the gentleman says is true, what is there to prevent the President, if he chooses to do it, from detailing this staff and putting somebody in charge of it? He could do it under the Constitution now, without any law; but he brings this bill here because he prefers to have the approbation of Congress in inaugurating this general staff.

And I desire to say to the gentleman from Indiana [Mr. STEELE] that every military authority in this country, with perhaps the exception of one man, has been advocating a general staff for years, for the purpose of doing what this bill does; that is, to put somebody in a position where he can, in time of war as well as in peace, be responsible for the actions of the chiefs of the different branches of the Army.

There is not a particle of politics in this bill, and there is no

harm in it. It does not increase the expenditures of the country a single dollar, and altogether it ought, in my judgment, to be given a trial.

Mr. PIERCE. Will the gentleman from Virginia yield for a moment?

Mr. HAY. Certainly.

Mr. PIERCE. If the President of the United States has the authority now which the gentleman from Virginia says this bill will confer, why do we want to pass this bill?

Mr. HAY. Because the President and the Secretary of War prefer to have the impress of Congressional approbation upon it; that is all.

Mr. PIERCE. Under what authority can they now make the appointment—under the Constitution?

Mr. HAY. Under the authority of the Constitution.

Mr. PIERCE. Is not that the very highest authority, and what do we want to make it cumulative for?

Mr. HAY. Well, we do that sort of thing very often. We created the Inspector-General's corps by law. It could have been done by Executive order just as well, but the President prefers to have Congressional approval for this.

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. Mr. Speaker, how much time have I left?

The SPEAKER. Seven minutes remaining.

Mr. RICHARDSON of Tennessee. I yield four minutes to the gentleman from Texas.

Mr. HAY. I should like first to answer a question which the gentleman from Arkansas [Mr. DINSMORE] wishes to ask.

Mr. RICHARDSON of Tennessee. I yield to the gentleman for the purpose of a question.

Mr. DINSMORE. In view of the fact that there has been so little opportunity to consider the bill, I want to call the attention of my friend who has just been explaining its provisions to this part which invests the President with authority, with reference to the duties of these officers, and at the end of section 2 says:

And to perform such other duties as may be from time to time prescribed by the President.

Which has been amended so as to read:

And to perform such other duties not otherwise assigned by law as may be from time to time prescribed by the President.

I should like to ask my friend if he thinks that that is altogether a safe provision? If by this bill the President of the United States has authority to assign these officers to duties to which they may not already be assigned by law, which may be inconsistent with their profession, it seems to me that the scope of the provision is to enable the President to assign them to any duties whatever—duties not military in their character.

Mr. HAY. In my judgment that amendment was not necessary to the bill.

Mr. DINSMORE. Does not the gentleman think this bill gives the President the authority to assign these officers to duties which are not military in character?

Mr. HAY. No; I do not. The President can not assign a military man to perform civil duty under a statute already passed by Congress.

Mr. DINSMORE. Yes; but does not this change that law in that respect?

Mr. HAY. Not at all; but the amendment proposed by the gentleman from Texas, which has been accepted, relieves that of all doubt.

Mr. DINSMORE. Not being so well informed on matters of this kind as the gentlemen on the committee, I wanted to call attention to this fact, because it seemed to me to be a rather dangerous provision, and it appears also in another place in the bill.

Mr. HAY. That has also been amended.

Mr. DINSMORE. The gentleman knows the fact to which I called the attention of the House. It authorizes the President to assign this officer to any duties not military.

Mr. HAY. The existing law prevents that, and so does the amendment offered by the gentleman from Texas.

Mr. DINSMORE. Then this does not change the existing law?

Mr. HAY. No; it does not, but other gentlemen think it may, and therefore they offer the amendment.

Mr. RICHARDSON of Tennessee. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes remaining.

Mr. RICHARDSON of Tennessee. I yield three minutes to the gentleman from Texas [Mr. SLAYDEN], retaining one minute for myself.

Mr. SLAYDEN. Mr. Speaker, I will say to my friend the gentleman from Arkansas that with the amendment which was offered I think the bill protects absolutely the recognition and enforcement of the existing military statutes, built up into a code of military laws through the wisdom of Congress for a long period of time. I believe it was essential, and the amendment which the

gentleman has consented to accept guards against the contingency which the gentleman has in mind.

Now, Mr. Speaker, I believe as amended this bill ought to pass. Its purpose is to increase the efficiency of our small Army. It is the desire, I believe, of all political parties in this country, and certainly a great majority of the people of the country, to have a small army. But if we are to have a small army, which is intended in times of crises to protect this great country, we must have the most efficient army in the world. And believing from the evidence and the arguments submitted in the committee by different gentlemen well informed in military science that this bill will promote the efficiency of the Army and at the same time entail no increased cost upon the people, I give it my hearty support.

The differences of opinion heretofore existing between the general commanding the Army and the Executive have been referred to. My information is that there has been but one exception in a great many years when that difference did not exist, and then it was recognized by the general commanding, General Schofield, who frankly admitted its existence, but being of an adjustable temperament, he so arranged the administration of the duties of his office with those of the War Department as to obviate all trouble. This bill is intended to and will largely have the effect of curing that difference. Whenever the differences do exist the President by Executive order can bring them to a speedy conclusion.

Mr. Speaker, the gentleman has raised the question of whether or not the President can control this matter by Executive order. That question was asked the Secretary of War, a very able man, a very skillful lawyer, when addressing the committee relative to the enactment of this bill. He said, in replying to a question put by Mr. STEVENS, a member of the committee, that he supposed the President could do all this by Executive order now, but that it would be open to certain objections. And these objections were such as commanded my respect. It is the desire of the President and of the Secretary of War to have the legislative approval for a scheme which in the main is uniformly indorsed by the best informed military men. While it may be done now by Presidential order, it is better to have the consent of Congress, and in my judgment every Democrat and every Republican ought to prefer that it be done with the knowledge and consent of this body.

The SPEAKER. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. In the one minute remaining, Mr. Speaker, I desire to say that I do not believe the House is prepared to pass this bill. A vote against the bill now does not defeat its final passage. If the vote is against suspending the rules now and passing it, the bill simply goes back to the Calendar, and it can be called up on a call of committees and passed, if a majority of the House desire to pass it, after amendment and debate.

Now, I know that there are gentlemen on that side who are opposed to the bill, because they said so as they passed through the tellers on the motion to order a second to suspend the rules. I know there are gentlemen on this side of the House who are not ready to vote for this bill. I am shaken in my judgment against the bill by the statement of my friend from Virginia and the gentleman from Texas, and I might support the bill if it came up under the rules. Now, as a vote against this bill at this time does not defeat it, but simply gives an opportunity for its full discussion and consideration, I hope it will be voted down this morning and let it go back to the Calendar.

The SPEAKER. The time of the gentleman has expired.

Mr. HULL. Mr. Speaker, the gentleman from Tennessee certainly knows that this bill can not be reached on the Calendar and get consideration at this session of Congress, and it must either be considered in this way or under an order reported from the Committee on Rules.

Mr. RICHARDSON of Tennessee. You have got the Committee on Rules and the organization of the House.

Mr. HULL. I would not have made this motion this morning in regard to the matter if I had had any idea that there was to be such opposition; but, Mr. Speaker, every military body of the United States indorses it, and all the great newspapers of both parties say that such a bill as this ought to pass, and all the administrative officers of the Army desire to see it get through so that it may become law. It is shown that some action of this kind ought to be had, and it seems to me, Mr. Speaker, that the gentleman from Tennessee, with his ability to comprehend—

Mr. RICHARDSON of Tennessee. Why can not it come up under the call of committees?

Mr. HULL (continuing). With his ability to comprehend the proposition, will now understand why the bill can not be called up?

Mr. RICHARDSON of Tennessee. Why can not it be called up?

Mr. HULL. Because it does increase the pay of a first lieutenant when he is acting as captain.

Mr. RICHARDSON of Tennessee. I understood the statement to be made that it did not increase the expenditures. That statement was made by Mr. HAY of Virginia.

Mr. HULL. I said the only place it increased the expense one dollar was where a first lieutenant should be detailed, and then he should have the pay of a captain while so acting. And to offset that, I want to say to the gentleman from Tennessee and members of this House, that if this bill becomes law and we have trouble in the future, it will save millions of dollars to the people of the United States and give better care for our soldiers, as well as improve the efficiency of the Army. We have every argument on earth for its passage and not a single argument against it as it is reported with the amendments which are to be agreed to. It eliminates confusion, it harmonizes action, it reduces expense, and promotes efficiency. This governing body can make proper plans for the mobilization and development of the Army.

The SPEAKER. The time of the gentleman has expired and debate has expired. The question now is on the suspension of the rules and passing the bill with amendments.

The question was taken; and on a division (demanded by Mr. RICHARDSON of Tennessee) there were 61 yeas and 41 noes.

Mr. HULL. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 59, answered "present" 4, not voting 183; as follows:

## YEAS—109.

Adams,	Darragh,	Hepburn,	Powers, Mass.
Alexander,	Dayton,	Hill,	Reeves,
Allen, Me.	Deemer,	Hitt,	Roberts,
Bates,	Douglas,	Holliday,	Schirm,
Bingham,	Dovener,	Hull,	Shattuc,
Bishop,	Emerson,	Irwin,	Sibley,
Blackburn,	Feely,	Jenkins,	Slayden,
Blakeney,	Fitzgerald,	Jett,	Smith, Ill.
Brandegge,	Flanagan,	Kahn,	Smith, Iowa
Brick,	Fleming,	Ketcham,	Smith, H. C.
Bromwell,	Fletcher,	Lacey,	Smith, S. W.
Brownlow,	Fordney,	Lawrence,	Southwick,
Burgess,	Foss,	Lessler,	Sperry,
Burk, Pa.	Foster, Vt.	Littauer,	Steele,
Burkett,	Fowler,	McCleary,	Stevens, Minn.
Burleigh,	Gaines, W. Va.	McClellan,	Storm,
Burton,	Gardner, Mass.	Mahon,	Sulloway,
Butler, Pa.	Gibson,	Mann,	Sutherland,
Cannon,	Gillett, Mass.	Maynard,	Swann,
Capron,	Graff,	Miller,	Thomas, Iowa
Cassel,	Graham,	Mondell,	Tirrell,
Connell,	Grosvenor,	Moody, Oreg.	Tongue,
Coombs,	Grow,	Morris,	Wanger,
Cooper, Wis.	Hamilton,	Needham,	Warner,
Cromer,	Haskins,	Overstreet,	Woods.
Crumpacker,	Haugen,	Parker,	
Cushman,	Hay,	Payne,	
Dalzell,	Hedge,	Pearre,	

## NAYS—59.

Adamson,	Creamer,	Lanham,	Robb,
Allen, Ky.	De Armond,	Lever,	Robinson, Ind.
Bankhead,	Dinsmore,	Lloyd,	Rucker,
Bartlett,	Fox,	Loud,	Russell,
Bell,	Gaines, Tenn.	McCulloch,	Shallenberger,
Benton,	Gilbert,	Maddox,	Sheppard,
Brantley,	Glass,	Neville,	Sims,
Brundidge,	Glenn,	Norton,	Snook,
Burnett,	Goldfogle,	Padgett,	Stark,
Caldwell,	Griffith,	Pierce,	Stephens, Tex.
Clark,	Hooker,	Randell, Tex.	Swanson,
Cochran,	Johnson,	Reid,	Underwood,
Cooney,	Kern,	Richardson, Ala.	Williams, Ill.
Cooper, Tex.	Kitchin, Claude	Richardson, Tenn.	Zenor.
Cowherd,	Klutz,	Rixey,	

## ANSWERED "PRESENT"—4.

Boutell,	Livingston,	Metcalf,	Thompson.
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## NOT VOTING—183.

Acheson,	Cousins,	Greene, Mass.	Lester,
Aplin,	Crowley,	Griggs,	Lewis, Ga.
Babcock,	Currier,	Hanbury,	Lewis, Pa.
Ball, Del.	Curtis,	Heatwole,	Lindsay,
Ball, Tex.	Dahle,	Hemenway,	Little,
Barney,	Davey, La.	Henry, Conn.	Littlefield,
Bartholdt,	Davidson,	Henry, Miss.	Long,
Beidler,	Davis, Fla.	Henry, Tex.	Loudenslager,
Bellamy,	Dick,	Hildebrandt,	Lovering,
Belmont,	Dougherty,	Hopkins,	McAndrews,
Billmeyer,	Draper,	Howard,	McCall,
Boreing,	Driscoll,	Howell,	McDermott,
Bowersock,	Dwight,	Hughes,	McLachlan,
Bowie,	Eddy,	Jack,	McLain,
Breazeale,	Edwards,	Jackson, Kans.	McRae,
Bristow,	Elliott,	Jackson, Md.	Mahoney,
Broussard,	Esch,	Jones, Va.	Marshall,
Brown,	Evans,	Jones, Wash.	Martin,
Bull,	Finley,	Joy,	Mercer,
Burke, S. Dak.	Flood,	Kehoe,	Meyer, La.
Burleson,	Foerderer,	Kitchin, Wm. W.	Mickey,
Butler, Mo.	Foster, Ill.	Kleberg,	Miers, Ind.
Calderhead,	Gardner, Mich.	Knapp,	Minor,
Candler,	Gardner, N. J.	Knox,	Moody, N. C.
Cassingham,	Gill,	Kyle,	Moon,
Clayton,	Gillet, N. Y.	Lamb,	Morgan,
Conner,	Gooch,	Landis,	Morrell,
Conry,	Gordon,	Lassiter,	Moss,
Corliss,	Green, Pa.	Latimer,	Mudd,

Mutchler,	Robertson, La.	Snodgrass,	Vandiver,
Naphen,	Robinson, Nebr.	Southard,	Van Voorhis,
Nevin,	Rumple,	Sparkman,	Vreeland,
Newlands,	Ruppert,	Spight,	Wachter,
Olmsted,	Ryan,	Stewart, N. J.	Wadsworth,
Otjen,	Scarborough,	Stewart, N. Y.	Warnock,
Palmer,	Scott,	Sulzer,	Watson,
Patterson, Pa.	Selby,	Talbert,	Weeks,
Patterson, Tenn.	Shackleford,	Tate,	Wheeler,
Perkins,	Shafroth,	Tawney,	White,
Pou,	Shelden,	Taylor, Ohio	Wiley,
Powers, Me.	Sherman,	Taylor, Ala.	Williams, Miss.
Prince,	Showalter,	Thayer,	Wilson,
Pugsley,	Skiles,	Thomas, N. C.	Wooten,
Ransdell, La.	Small,	Tompkins, N. Y.	Wright,
Reeder,	Smith, Ky.	Tompkins, Ohio	Young.
Rhea,	Smith, Wm. Alden	Trimble,	

The following pairs were announced:

For the session:

Mr. SHERMAN with Mr. RUPPERT.  
Mr. MORRELL with Mr. GREEN of Pennsylvania.  
Mr. COOMBS with Mr. DAVEY of Louisiana.  
Mr. YOUNG with Mr. BENTON.  
Mr. HEATWOLE with Mr. TATE.  
Mr. DAYTON with Mr. MEYER of Louisiana.  
Mr. BROMWELL with Mr. CASSINGHAM.

Until further notice:

Mr. ESCH with Mr. BROUSSARD.  
Mr. CURRIER with Mr. NAPHEN.  
Mr. BROWN with Mr. CLAYTON.  
Mr. VAN VOORHIS with Mr. GORDON.  
Mr. BARNEY with Mr. THOMPSON of Alabama.  
Mr. FORDNEY with Mr. KLEBERG.  
Mr. LONG with Mr. NEWLANDS.  
Mr. RUMPLE with Mr. ROBINSON of Nebraska.  
Mr. JACK with Mr. FINLEY.  
Mr. HUGHES with Mr. TRIMBLE.  
Mr. MUDD with Mr. CANDLER.  
Mr. HOPKINS with Mr. SWANSON.  
Mr. METCALF with Mr. WHEELER.  
Mr. BOUTELL with Mr. GRIGGS.  
Mr. BOREING with Mr. KEHOE.  
Mr. TAYLER of Ohio with Mr. BOWIE.  
Mr. CONRY with Mr. NEVIN.  
Mr. MARTIN with Mr. SHACKLEFORD.  
Mr. CURTIS with Mr. MCANDREWS.

For this day only:

Mr. CALDERHEAD with Mr. ELLIOTT.  
Mr. KNAPP with Mr. LEWIS of Georgia.  
Mr. KNOX with Mr. LINDSAY.  
Mr. HOWELL with Mr. LASSITER.  
Mr. HILDEBRANT with Mr. LAMB.  
Mr. COUSINS with Mr. FLOOD.  
Mr. DAVIDSON with Mr. GOOCH.  
Mr. FOERDERER with Mr. HENRY of Mississippi.  
Mr. GARDNER of Michigan with Mr. HENRY of Texas.  
Mr. GARDNER of New Jersey with Mr. HOWARD.  
Mr. GILL with Mr. JACKSON of Kansas.  
Mr. GILLET of New York with Mr. JONES of Virginia.  
Mr. GREENE of Massachusetts with Mr. W. W. KITCHIN.  
Mr. JOY with Mr. LESTER.  
Mr. CONNER with Mr. EDWARDS.  
Mr. BURKE of South Dakota with Mr. DAVIS of Florida.  
Mr. BOWERSOCK with Mr. BUTLER of Missouri.  
Mr. BRISTOW with Mr. DAVEY of Louisiana.  
Mr. BEIDLER with Mr. BURLSON.  
Mr. BARTHOLDT with Mr. BREAZEALE.  
Mr. BALL of Delaware with Mr. BELLAMY.  
Mr. KYLE with Mr. SNODGRASS.  
Mr. MARSHALL with Mr. RYAN.  
Mr. OLMSTED with Mr. FOSTER of Illinois.  
Mr. LOUDENSLAGER with Mr. MAHONEY.  
Mr. HEMENWAY with Mr. TAYLOR of Alabama.  
Mr. DICK with Mr. MUTCHLER.  
Mr. BULL with Mr. CROWLEY.  
Mr. DWIGHT with Mr. DOUGHERTY.  
Mr. BABCOCK with Mr. WILLIAMS of Mississippi.  
Mr. DRAPER with Mr. SULZER.  
Mr. VREELAND with Mr. BALL of Texas.  
Mr. PATTERSON of Pennsylvania with Mr. BELMONT.  
Mr. EVANS with Mr. WILSON.  
Mr. ACHESON with Mr. VANDIVER.  
Mr. HENRY of Connecticut with Mr. THAYER.  
Mr. WATSON with Mr. TALBERT.  
Mr. WACHTER with Mr. SPIGHT.  
Mr. TOMPKINS of Ohio with Mr. SPARKMAN.  
Mr. WRIGHT with Mr. WHITE.  
Mr. McLACHLAN with Mr. WILEY.  
Mr. MORGAN with Mr. WOOTEN.  
Mr. SOUTHARD with Mr. THOMAS of North Carolina.

Mr. JONES of Washington with Mr. LATIMER.  
 Mr. LANDIS with Mr. LITTLE.  
 Mr. LITTLEFIELD with Mr. McDERMOTT.  
 Mr. McCALL with Mr. McRAE.  
 Mr. LOVERING with Mr. McLAIN.  
 Mr. MERCER with Mr. MICKEY.  
 Mr. MINER with Mr. MIERS of Indiana.  
 Mr. MOODY of North Carolina with Mr. MOON.  
 Mr. PRINCE with Mr. PATTERSON of Pennsylvania.  
 Mr. OTJEN with Mr. POU.  
 Mr. REEDER with Mr. PUGSLEY.  
 Mr. SCOTT with Mr. RANDELL of Louisiana.  
 Mr. SHELLEN with Mr. RHEA.  
 Mr. SHOWALTER with Mr. ROBERTSON of Louisiana.  
 Mr. SKILES with Mr. SCARBOROUGH.  
 Mr. WM. ALDEN SMITH with Mr. SHAFROTH.  
 Mr. STEWART of New York with Mr. SELBY.  
 Mr. STEWART of New Jersey with Mr. SMALL.  
 Mr. TOMPKINS of New York with Mr. SMITH of Kentucky.

The SPEAKER. On this question the yeas are 109, the nays 59, answering "present" 4—total 172, 6 short of a quorum. The Doorkeeper will close the doors, and the Sergeant-at-Arms will bring in absentees. The roll will be called. Those favoring the pending motion will vote "aye," those opposed will vote "no," those not desiring to vote will, as their names are called, answer "present." The Clerk will call the roll.

The question was again taken; and there were—yeas 101, nays 51, answered "present" 11, not voting 192, as follows:

## YEAS—101.

Adams,	Douglas,	Holliday,	Parker,
Alexander,	Dovener,	Hull,	Payne,
Allen, Me.	Emerson,	Irwin,	Pearre,
Bartholdt,	Feely,	Jenkins,	Powers, Mass.
Bates,	Fitzgerald,	Jett,	Reeves,
Bingham,	Flanagan,	Kahn,	Scott,
Blackburn,	Fleming,	Ketcham,	Shattuc,
Boutell,	Fletcher,	Lacey,	Sibley,
Brandeggee,	Fordney,	Lawrence,	Smith, Ill.
Brownlow,	Foss,	Lessler,	Smith, Iowa
Burk, Pa.	Foster, Vt.	Littauer,	Smith, H. C.
Burleigh,	Gaines, W. Va.	Littlefield,	Southwick,
Burton,	Gardner, Mass.	McCleary,	Sperry,
Butler, Pa.	Gibson,	McClellan,	Steele,
Cannon,	Gillett, Mass.	McDermott,	Stevens, Minn.
Capron,	Graff,	McLachlan,	Storm,
Cassel,	Graham,	Mahon,	Sulloway,
Connell,	Grosvenor,	Mann,	Swann,
Cooper, Wis.	Grow,	Maynard,	Thomas, Iowa
Cromer,	Hamilton,	Miller,	Tirrell,
Crumpacker,	Haskins,	Mondell,	Tongue,
Cushman,	Haugen,	Moody, N. C.	Warner,
Dahle,	Hay,	Moody, Oreg.	Woods.
Dalzell,	Hedge,	Morris,	
Darragh,	Hepburn,	Needham,	
Deemer,	Hill,	Overstreet,	

## NAYS—51.

Allen, Ky.	Creamer,	Lanham,	Richardson, Tenn.
Bartlett,	De Armond,	Lever,	Rixey,
Bell,	Dinsmore,	Lloyd,	Robb,
Benton,	Fox,	Loud,	Robinson, Ind.
Brantley,	Gaines, Tenn.	McCulloch,	Rucker,
Brundidge,	Gilbert,	Maddox,	Russell,
Burleson,	Glenn,	Neville,	Sheppard,
Burnett,	Griggs,	Norton,	Sims,
Caldwell,	Hooker,	Padgett,	Snook,
Clark,	Johnson,	Pierce,	Stark,
Cochran,	Kitchin, Claude	Randell, Tex.	Stephens, Tex.
Cooper, Tex.	Klutz,	Reid,	Underwood.
Cowherd,	Lamb,	Richardson, Ala.	

## ANSWERED "PRESENT"—11.

Brick,	Burkett,	Metcalf,	Vreeland,
Bronwell,	Dayton,	Swanson,	Wanger.
Burgess,	Livingston,	Thompson,	

## NOT VOTING—192.

Acheson,	Clayton,	Fowler,	Jones, Va.
Adamson,	Conner,	Gardner, Mich.	Jones, Wash.
Applin,	Conry,	Gardner, N. J.	Joy,
Babcock,	Coombs,	Gill,	Kehoe,
Ball, Del.	Cooney,	Gillet, N. Y.	Kern,
Ball, Tex.	Corliss,	Glass,	Kitchin, Wm. W.
Bankhead,	Cousins,	Goldfogle,	Kleberg,
Barney,	Crowley,	Gooch,	Knapp,
Beidler,	Currier,	Gordon,	Knox,
Bellamy,	Curtis,	Green, Pa.	Kyle,
Belmont,	Davey, La.	Greene, Mass.	Landis,
Billmeyer,	Davidson,	Griffith,	Lassiter,
Bishop,	Davis, Fla.	Hanbury,	Latimer,
Blakeney,	Dick,	Heatwole,	Lester,
Boreing,	Dougherty,	Hemenway,	Lewis, Ga.
Bowersock,	Draper,	Henry, Conn.	Lewis, Pa.
Bowie,	Driscoll,	Henry, Miss.	Lindsay,
Breazeale,	Dwight,	Henry, Tex.	Little,
Bristow,	Eddy,	Hildebrandt,	Long,
Broussard,	Edwards,	Hitt,	Loudenslager,
Brown,	Elliott,	Hopkins,	Lovering,
Bull,	Esch,	Howard,	McAndrews,
Burke, S. Dak.	Evans,	Howell,	McCall,
Butler, Mo.	Finley,	Hughes,	McLain,
Calderhead,	Flood,	Jack,	McRae,
Candler,	Foerderer,	Jackson, Kans.	Mahoney,
Cassingham,	Foster, Ill.	Jackson, Md.	Marshall,

Martin,	Pou,	Showalter,	Thomas, N. C.
Mercer,	Powers, Me.	Skiles,	Tompkins, N. Y.
Meyer, La.	Prince,	Slayden,	Tompkins, Ohio
Mickey,	Pugsley,	Small,	Trimble,
Miers, Ind.	Ransdell, La.	Smith, Ky.	Vandiver,
Minor,	Reeder,	Smith, S. W.	Van Voorhis,
Moon,	Rhea,	Smith, Wm. Alden	Wachter,
Morgan,	Roberts,	Snodgrass,	Wadsworth,
Morrell,	Robertson, La.	Southard,	Warnock,
Moss,	Robinson, Nebr.	Sparkman,	Watson,
Mudd,	Rumple,	Spight,	Weeks,
Mutchler,	Ruppert,	Stewart, N. J.	Wheeler,
Naphe,	Ryan,	Stewart, N. Y.	White,
Nevin,	Scarborough,	Sulzer,	Wiley,
Newlands,	Schirm,	Sutherland,	Williams, Ill.
Ohmsted,	Selby,	Talbert,	Williams, Miss.
Otjen,	Shackelford,	Tate,	Wilson,
Palmer,	Shafroth,	Tawney,	Wooten,
Patterson, Pa.	Shallenberger,	Taylor, Ohio	Wright,
Patterson, Tenn.	Shelden,	Taylor, Ala.	Young,
Perkins,	Sherman,	Thayer,	Zenor.

## LEAVE OF ABSENCE.

Pending the announcement of the result of the roll call, leave of absence was granted as follows:

To Mr. CANDLER, for three days, on account of sickness in his family.

To Mr. BOWERSOCK, indefinitely, on account of important business.

To Mr. EDDY, for ten days, on account of important business.

To Mr. ROBINSON of Nebraska, for fifty days, on account of sickness.

To Mr. MARSHALL, until Thursday next, on account of important business.

To Mr. CALDERHEAD, for thirty days, on account of important business.

To Mr. BALL of Texas, for two weeks, on account of important business.

The roll call having been concluded,

The SPEAKER. On this question the yeas are 101; the nays, 51; answering "present," 11; total, 163—not a quorum.

Mr. PAYNE. I move that the House do now adjourn.

The SPEAKER. This motion, under the existing conditions, will require a second by a majority of those present.

The motion was seconded.

The question being taken on agreeing to the motion, it was agreed to; and the House accordingly (at 2 o'clock p. m.) adjourned.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner-General of Immigration submitting an estimate of appropriation for improvements at New York station—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Director of the Mint submitting an estimate of appropriation for machinery, etc., at the new mint at Denver, Colo.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for payment of claim of Dr. E. S. Burnham—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with the draft of a bill, a plan for the reorganization of the Hospital Corps of the Army—to the Committee on Military Affairs, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of M. Ringgolia Brooke and Adelaide Greenlaw against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Eugene L. Derr, administrator of estate of John Derr, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Thomas J. Cadle, administrator of estate of Martin Cadle, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John A. Stover, administrator of the estate of Jacob Stover, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for construction and repair of hospitals—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner-General of Immigration submitting an estimate of appropriation for an immigrant station at Honolulu, Hawaii—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting an estimate of appropriation for completion of volume 24, Opinions of the Attorneys-General—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for erection of legation buildings at Seoul, Korea—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for topographic surveys in Porto Rico—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for deficiency in printing and binding—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for disallowances in accounts of Capt. C. N. Conrad—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Spanish Treaty Claims Commission submitting an estimate of appropriation for reimbursement of the Secretary of State for service of a force of copyists—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriations for military cable in Alaska—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Navy, submitting a report of the cost of inspection and construction of naval vessels—to the Committee on Naval Affairs, and ordered to be printed.

A letter from the Secretary of War, transmitting a report of the Board of Ordnance and Fortification—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect submitting an estimate of appropriation for repair of bridge at Bangor, Me.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, proposing legislation in relation to the status of contract surgeons and contract dental surgeons—to the Committee on Military Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriations for payment of expenses of transporting the remains of a retired soldier—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of Agriculture, submitting a report as to the advisability of consolidating with the Weather Bureau the work of gathering reports and statistics of crops—to the Committee on Agriculture, and ordered to be printed.

A letter from the Secretary of War, submitting a report of the expenditures of the contingent fund of the Department—to the Committee on Expenditures in the War Department, and ordered to be printed.

A letter from the Secretary of Agriculture, transmitting a report on Congressional seed distribution—to the Committee on Agriculture, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for target range at Fort Snelling, Minn.—to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 6439) for the refund of certain tonnage taxes, reported the same without amendment, accompanied by a report (No. 2966); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. REEVES, from the Committee on Patents, to which was referred the bill of the House (H. R. 15607) for the amendment of section 4921 of the Revised Statutes, reported the same with amendments, accompanied by a report (No. 2967); which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9107) granting an increase of pension to Austin A. Vore, reported the same with amendments, accompanied by a report (No. 2919); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15648) granting an increase of pension to Col. Lester H. Salisbury, reported the same with amendments, accompanied by a report (No. 2920); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15385) for the relief of Alfred J. Sellers, reported the same with amendments, accompanied by a report (No. 2921); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15329) granting an increase of pension to Elizabeth Rosenbarger, reported the same with amendment, accompanied by a report (No. 2922); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10826) granting a pension to Josiah S. Fay, reported the same with amendments, accompanied by a report (No. 2923); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15748) granting an increase of pension to William Whitlock, reported the same with amendments, accompanied by a report (No. 2924); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15673) granting a pension to Annie E. Doss, reported the same with amendments, accompanied by a report (No. 2925); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16011) granting an increase of pension to Morton A. Leach, reported the same with amendments, accompanied by a report (No. 2926); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13723) granting an increase of pension to Oliver C. Jackson, reported the same with amendment, accompanied by a report (No. 2927); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11020) granting an increase of pension to Oliver P. Alsbach, reported the same with amendment, accompanied by a report (No. 2928); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10219) granting an increase of pension to J. Banks Hunter, reported the same with amendment, accompanied by a report (No. 2929); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8699) granting a pension to Capt. D. M. Kittle, reported the same with amendments, accompanied by a report (No. 2930); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14605) granting an increase of pension to John T. Knoop, reported the same with amendment, accompanied by a report (No. 2931); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15398) granting an increase of pension to Andrew W. Miller, reported the same with amendments, accompanied by a report (No. 2932); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15466) granting an increase of pension to John H. Robson, reported the same with amendment, accompanied by a report (No. 2933); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14361) granting an increase of pension to Joseph M. Alexander, reported the same with amendments, accompanied by a report (No. 2934); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8711) granting an increase of pension to William C. Crawford, reported the same with amendment, accompanied by a report (No. 2935); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11596) granting an increase of pension to Inez Clift, reported the same with amendment, accompanied by a report (No. 2936); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10105) granting an increase of pension to Thomas Fleming, reported the same with amendments, accompanied by a report (No. 2937); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15211) granting a pension to Mary J. Slusser, reported the same with amendment, accompanied by a report (No. 2938); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4154) granting an increase of pension to Murray W. Woodward, reported the same without amendment, accompanied by a report (No. 2939); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7012) granting an increase of pension to Abel Fleming, reported the same with amendments, accompanied by a report (No. 2940); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9491) granting an increase of pension to John W. Brattain, reported the same with amendment, accompanied by a report (No. 2941); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4501) granting an increase of pension to Mrs. Sarah D. Lightfoot, reported the same with amendments, accompanied by a report (No. 2942); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15682) granting an increase of pension to Jared P. Hubbard, reported the same without amendment, accompanied by a report (No. 2943); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15431) granting an increase of pension to Elias Simpson, reported the same without amendment, accompanied by a report (No. 2944); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15864) granting an increase of pension to Benjamin Knestrict, reported the same with amendment, accompanied by a report (No. 2945); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14303) granting an increase of pension to Robert H. Maricle, reported the same with amendments, accompanied by a report (No. 2946); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15406) granting an increase of pension to James F. Campbell, reported the same with amendments, accompanied by a report (No. 2947); which said bill and report were referred to the Private Calendar.

Mr. APLIN, from the Committee on Invalid Pensions, to which

was referred the bill of the House (H. R. 15112) granting a pension to Matilda Marshall, reported the same with amendments, accompanied by a report (No. 2948); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11189) granting an increase of pension to Jennie M. Gilbert, reported the same with amendments, accompanied by a report (No. 2949); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15906) granting a pension to Joseph Grennue, reported the same with amendments, accompanied by a report (No. 2950); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15661) granting an increase of pension to James M. Marshall, reported the same with amendments, accompanied by a report (No. 2951); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1020) granting a pension to Mary E. Pennock, reported the same with amendments, accompanied by a report (No. 2952); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15839) granting an increase of pension to Luther Scott, reported the same with amendment, accompanied by a report (No. 2953); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15999) granting an increase of pension to William F. Loomis, reported the same with amendments, accompanied by a report (No. 2954); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16224) granting an increase of pension to William Montgomery, reported the same without amendment, accompanied by a report (No. 2955); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4528) granting an increase of pension to Corydon Millard, reported the same without amendment, accompanied by a report (No. 2956); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4075) granting a pension to Henry R. Gibbs, reported the same without amendment, accompanied by a report (No. 2957); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1739) granting an increase of pension to William S. Ffost, reported the same without amendment, accompanied by a report (No. 2958); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4943) granting an increase of pension to Abraham Park, reported the same without amendment, accompanied by a report (No. 2959); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3365) granting an increase of pension to Eliza M. Miller, reported the same without amendment, accompanied by a report (No. 2960); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2545) granting a pension to William Johnston, reported the same without amendment, accompanied by a report (No. 2961); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6151) granting an increase of pension to Henry E. Burton, reported the same without amendment, accompanied by a report (No. 2962); which said bill and report were referred to the Private Calendar.

Mr. CROWLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2646) granting a pension to Justus L. Denton, reported the same without amendment, accompanied by a report (No. 2963); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1299) granting an increase of pension to Ambrose U. Harrison, reported the same without amendment, accompanied by a report (No. 2964); which said bill and report were referred to the Private Calendar.

Mr. NORTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6123) granting an increase of pension to Thomas L. Collins, reported the same without amendment, accompanied by a report (No. 2965); which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PARKER: A bill (H. R. 16328) to restore the sale of fermented malt beverages and light wines to soldiers on Army transports and in post exchanges under regulations to be prescribed by the Secretary of War—to the Committee on Military Affairs.

By Mr. FLYNN: A bill (H. R. 16329) establishing United States courts at Wetumka and Bristow, Ind. T.—to the Committee on the Judiciary.

By Mr. SLAYDEN: A bill (H. R. 16330) to detach the county of Dimmit from the southern judicial district of Texas and to attach it to the western judicial district of Texas—to the Committee on the Judiciary.

By Mr. WADSWORTH: A bill (H. R. 16331) for the extension of Elm street northwest—to the Committee on the District of Columbia.

By Mr. FLYNN: A bill (H. R. 16332) to amend an act entitled "An act to amend section 2455 of the Revised Statutes of the United States"—to the Committee on the Public Lands.

By Mr. McCULLOCH: A bill (H. R. 16333) to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas—to the Committee on the Judiciary.

By Mr. BELL: A bill (H. R. 16334) fixing terms of United States courts in Colorado—to the Committee on the Judiciary.

By Mr. SHALLENBERGER: A bill (H. R. 16335) to prevent monopoly and combinations in restraint of trade, to further regulate the commerce between the different States and Territories of the United States and with foreign nations, and to provide for the publication of reports of the condition of corporations or other associations engaged in foreign or interstate commerce, and to regulate the issuance of stocks, bonds, or other evidences of indebtedness of such corporations or associations, and for other purposes, and to provide for the appointment of a commission by the President to regulate and control the same, and to report the results to Congress—to the Committee on the Judiciary.

By Mr. BURNETT: A bill (H. R. 16336) authorizing R. R. Asbury and associates to use the water power at Locks 1, 2, and 3, in Coosa River, Alabama—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON of Tennessee (by request): A bill (H. R. 16337) to provide for the greater protection of human life in the Government Hospital for the Insane and the better security of its buildings and the contents thereof against destruction or injury by fire—to the Committee on Public Buildings and Grounds.

By Mr. FITZGERALD: A bill (H. R. 16338) to prevent the unauthorized use of the names or pictures of persons for the purposes of trade—to the Committee on the Judiciary.

By Mr. COOPER of Texas: A bill (H. R. 16339) directing the Secretary of War to expend \$125,000 heretofore appropriated for a deep-water channel through Sabin Lake, Texas—to the Committee on Rivers and Harbors.

By Mr. HENRY C. SMITH: A bill (H. R. 16340) for a public building at Ann Arbor, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. PARKER: A joint resolution (H. J. Res. 240) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. STORM: A joint resolution (H. J. Res. 241) providing for a survey of Fire Island Inlet, in Great South Bay, New York—to the Committee on Rivers and Harbors.

By Mr. POWERS of Massachusetts: A joint resolution (H. J. Res. 242) suspending the operation of all laws imposing tariff on all kinds of coal until November 1, 1903—to the Committee on Ways and Means.

By Mr. ROBERTS: A resolution (H. Res. 369) that the Committee on Printing be directed to consider and report on the propriety of publishing the military and naval record of the war of 1812, of the Mexican war, and the military records of the several Indian wars, in the same general style as that of the Rebellion Records—to the Committee on Printing.

By Mr. HULL: A resolution (H. Res. 370) that immediately after reading the Journal on Tuesday, January 6, the House shall proceed to the consideration of H. R. 15449, and after one hour's debate shall vote on bill and amendments—to the Committee on Rules.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 16341) granting an increase of pension to Charles D. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16342) granting an increase of pension to Charles Harris—to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 16343) granting leave to the executor or administrator of the estate of Isadore Termini, deceased, to commence an action against the United States of America for the alleged wrongful act in causing his death—to the Committee on the Judiciary.

Also, a bill (H. R. 16344) for the relief of Lucinda Lawrence—to the Committee on Invalid Pensions.

By Mr. BULL: A bill (H. R. 16345) granting an increase of pension to Luke Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16346) granting an increase of pension to John S. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16347) granting a pension to Catherine Slattery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16348) granting a pension to Alice Case—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16349) granting an increase of pension to James Buchanan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16350) granting a pension to John Aldrich—to the Committee on Pensions.

By Mr. BENTON: A bill (H. R. 16351) granting an increase of pension to Austin P. Merrell—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 16352) granting an increase of pension to Mary L. Stotsenburg—to the Committee on Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 16353) granting an increase of pension to William F. Ritchie—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 16354) for the relief of E. A. Gilliland—to the Committee on Claims.

Also, a bill (H. R. 16355) for the relief of the estate of J. C. West—to the Committee on War Claims.

Also, a bill (H. R. 16356) granting a pension to Mrs. Thomas Richardson—to the Committee on Pensions.

By Mr. CAPRON: A bill (H. R. 16357) granting an increase of pension to John F. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16358) granting an increase of pension to Benjamin W. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16359) granting an increase of pension to Andrew Owen—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 16360) to correct the military record of Homer Quick—to the Committee on Military Affairs.

Also, a bill (H. R. 16361) granting an increase of pension to John W. Chancellor—to the Committee on Invalid Pensions.

By Mr. CLARK: A bill (H. R. 16362) granting a pension to Thomas A. Burks—to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 16363) for the relief of Susan R. Keesee and George G. Johnson—to the Committee on War Claims.

By Mr. FLETCHER: A bill (H. R. 16364) granting an increase of pension to Patrick Carney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16365) granting an increase of pension to Jacob Steffles, alias Jacob Staffs—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 16366) for the relief of Anthony L. Maxwell—to the Committee on War Claims.

Also, a bill (H. R. 16367) granting an increase of pension to James E. Ferguson—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 16368) granting an increase of pension to Eliza M. Hutchinson—to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 16369) granting a pension to Emily Lawrence Reed—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 16370) granting an increase of pension to Sarah J. Littleton, widow of Adam D. Littleton—to the Committee on Invalid Pensions.

By Mr. HOOKER: A bill (H. R. 16371) for the relief of Mrs. M. O. King—to the Committee on War Claims.

Also, a bill (H. R. 16372) for the relief of Mrs. M. M. Champion—to the Committee on War Claims.

By Mr. IRWIN: A bill (H. R. 16373) for the relief of Stanley E. Brown—to the Committee on Claims.

By Mr. JACKSON of Kansas: A bill (H. R. 16374) granting an increase of Pension to Alonzo S. Bowden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16375) granting an increase of pension to Abraham Mann—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 16376) for the relief of Mrs. Anna M. Orne, sole administratrix of the estate of Henry A. Orne, deceased—to the Committee on War Claims.

By Mr. LOUD: A bill (H. R. 16377) granting an American register to bark Homeward Bound—to the Committee on Interstate and Foreign Commerce.

By Mr. LAWRENCE: A bill (H. R. 16378) granting an increase of pension to Ferdinand Weise—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 16379) for the relief of William O. Bailey—to the Committee on War Claims.

By Mr. McDERMOTT: A bill (H. R. 16380) for the relief of Benjamin Manning—to the Committee on Invalid Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 16381) granting a pension to Lynus Wallace—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 16382) granting a pension to Mary J. Taylor—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 16383) for the relief of W. T. Smotherman & Co., of Tennessee—to the Committee on Claims.

By Mr. STARK: A bill (H. R. 16384) granting an increase of pension to Isaac D. Neihardt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16385) granting an increase of pension to Warren C. Massey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16386) granting an increase of pension to Franklin Ferguson—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 16387) granting an increase of pension to R. M. Cope—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16388) granting an increase of pension to Thomas N. Hinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16389) granting an increase of pension to George W. Swan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16390) granting a pension to Mrs. Sarah Charter—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 16391) granting a pension to Ella F. Shandrew—to the Committee on Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 16392) granting a pension to Alexander Laughlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16393) granting a pension to Walter M. Corn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16394) for the relief of John A. Hill—to the Committee on Military Affairs.

Also, a bill (H. R. 16395) granting an increase of pension to Elwood Finley—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 16396) granting an increase of pension to Adam C. Rarick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16397) granting an increase of pension to John W. Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16398) granting a pension to Louis Gebhart—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Protest of the Philadelphia Maritime Exchange against temporarily extending the privileges of the coasting laws to foreign steamers carrying coal between American ports—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Bremerton (Wash.) Board of Trade, in relation to the use of the U. S. S. *Philadelphia* as a receiving ship—to the Committee on Naval Affairs.

Also, resolution of the Paint Grinders' Association of Chicago, Ill., regarding freight classification—to the Committee on Interstate and Foreign Commerce.

Also, petition of Vail Brothers urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. ALLEN of Maine: Petitions of Hon. Frederick E. Boothby, mayor, and city council and 486 citizens of Portland, Me., asking that coal, both anthracite and bituminous, be put on the free list at the earliest practicable day—to the Committee on Ways and Means.

By Mr. BARTLETT: Petition of W. A. Wright, Jordan & Brother, and J. H. Blackburn, of Barnesville, Ga., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. BENTON: Papers to accompany House bill granting an increase of pension to Austin P. Merrill, a soldier of the Mexican war—to the Committee on Pensions.

By Mr. BROMWELL: Petition of Long, West & Co. and other citizens of Cincinnati, Ohio, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BULL: Petition of Blanding & Blanding, of Providence, R. I., favoring House bill 15368, amending the customs drawback law—to the Committee on Ways and Means.

Also, resolution of the Paint Grinders' Association of the United States, relative to freight classification—to the Committee on Interstate and Foreign Commerce.

By Mr. BURKETT: Petition of the First Presbyterian Church of Auburn, Nebr., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. CALDWELL: Petitions of J. H. Feltham, S. A. Hoffman, S. W. Culp, and others, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. CANNON: Petition of retail druggists of Toledo, Ill., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, papers to accompany House bill 15814, granting a pension to William H. Bird—to the Committee on Invalid Pensions.

Also, petition of George W. Myers and others, favoring the passage of House bill 8325, to adjust swamp-land grants, etc.—to the Committee on the Public Lands.

By Mr. CAPRON: Resolution of the Paint Grinders' Association, relative to freight classification—to the Committee on Interstate and Foreign Commerce.

Also, petition of Blanding & Blanding, druggists, Providence, R. I., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petitions of the Dr. Shoop Family Medicine Company, of Racine, Wis., and citizens of Kenosha, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. COUSINS: Petition of citizens of Newhall, Iowa, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. CREAMER: Petition of citizens of New York, in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. FITZGERALD: Resolutions of the Manufacturers' Association of Brooklyn, N. Y., favoring the passage of the Elkins bill to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Peoria Retail Grocers' Association against the passage of House bills 3109 and 15614, known as the pure-food bills—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Boston Associated Board of Trade, urging the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Papers to accompany House bill granting a pension to James E. Ferguson—to the Committee on Invalid Pensions.

By Mr. GLENN: Resolution of Business Men's Association of Moscow, Idaho, with reference to Senate bill 6363, repealing the stone, timber, desert land, and homestead commutation acts—to the Committee on the Public Lands.

By Mr. GRAHAM: Petition of T. H. Nevin Company, Allegheny, Pa., members of the Paint Grinders' Association, in relation to freight classification—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAFF: Resolutions of Illinois State Grange, Patrons of Husbandry, favoring the election of United States Senators by the people—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, resolution of same, opposing a "steering committee" in national legislation—to the Committee on Rules.

Also, resolution of same, favoring suppression of monopolies—to the Committee on the Judiciary.

Also, resolution of same, favoring the speedy construction of the isthmian canal—to the Committee on Interstate and Foreign Commerce.

Also, resolution of same, favoring the passage of a bill controlling the sale of shoddy—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, opposing ship-subsidy legislation—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions of the same, favoring the passage of the Elkins bill to increase the jurisdiction and powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the same, favoring reciprocity treaties and agreements—to the Committee on Ways and Means.

Also, resolutions of the same, opposing reduction of postage to 1 cent until rural free delivery is more fully established—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the same, favoring the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the same, favoring the establishment of a parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the same, favoring initiative and referendum on all important legislation—to the Committee on the Judiciary.

By Mr. HASKINS: Petition of A. R. Hood & Son, urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. HAY: Petition of heirs of Lewis M. Miller, deceased, late of Frederick County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of heirs of James P. Mahaney, deceased, late of Frederick County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HOWELL: Protests of Capt. T. S. P. Brown, of Brielle, and John Scully, of South Amboy, N. J., and the Atlantic Carriers' Association, against the suspension of the navigation laws—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Nelson F. Clayton and Abram Voorhees, of Cranbury, N. J., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. IRWIN: Papers to accompany bill for the relief of Stanley E. Brown—to the Committee on Claims.

By Mr. JACKSON of Kansas: Papers to accompany House bill granting a pension to Alonzo S. Bowden—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Abraham Mann—to the Committee on Invalid Pensions.

By Mr. MORRELL: Papers to accompany House bill 66695, granting an increase of pension to Charles P. Clarke—to the Committee on Invalid Pensions.

By Mr. NAPHEN: Resolution of the Massachusetts State Board of Trade, for an appropriation for the survey of New Bedford Harbor—to the Committee on Rivers and Harbors.

Also, resolution of the Boston Associated Board of Trade, for the establishment of a department of commerce and industries—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Peoria (Ill.) Retail Grocers' Association, for the appointment of a commission to investigate the construction and operation of the various State food laws—to the Committee on Interstate and Foreign Commerce.

By Mr. RIXEY: Petition of M. K. Lupton and others, of Round Hill and Hamilton, Va., urging the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. ROBERTS: Petition of Mrs. M. J. Bradford Company, Melrose, Mass., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, paper to accompany House bill granting a pension to Mary J. Taylor—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: Papers to accompany House bill 16807, granting an increase of pension to Henry Cronk—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15860, granting an increase of pension to Ebenezer L. Beach—to the Committee on Invalid Pensions.

By Mr. SHATTUC: Papers to accompany House bill 7318, granting a pension to Thomas D. Horner—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 5274, relating to the correction of the military record of Isaac Dulhagen—to the Committee on Military Affairs.

By Mr. SIBLEY: Resolution of the bar of Warren County, Pa., favoring the establishment of a laboratory for the study of the criminal, pauper, and defective classes; also, report of special committee to accompany said resolution—to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Kane, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. SLAYDEN: Petition of Judge J. D. Spears and other citizens of Dimmit County, Tex., asking that the county of Dimmit be restored to the jurisdiction of the circuit court of the United States for the western district of Texas, at San Antonio—to the Committee on the Judiciary.

By Mr. HENRY C. SMITH: Petitions of Charles Maynard, S. C. Stinson, E. D. Matthews, C. A. Hubbel, and Judson Hawkins,

urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SPERRY: Petitions of citizens of Middletown, New Haven, and East Hampton, Conn., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

Also, resolution of the Connecticut Civil Service Reform Association against the passage of any veteran preference bill and favoring reform in the consular service—to the Committee on Reform in the Civil Service.

By Mr. STEPHENS of Texas: Petition of citizens of Ringgold, Tex., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WOODS: Resolutions of the Claremont (Cal.) Citrus Union, urging that measures be taken for the protection of Government forest reserves—to the Committee on the Public Lands.

Also, resolutions of Manufacturers and Producers' Association of California, for the establishment of a permanent warehouse at San Francisco for the reception and distribution of Indian supplies—to the Committee on Indian Affairs.

By Mr. ZENOR: Papers to accompany House bill 5762, granting a pension to William H. T. Hostetler—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14688, granting an increase of pension to Harriet S. Packard—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13902, granting a pension to Albert T. Weathers—to the Committee on Invalid Pensions.

## SENATE.

TUESDAY, January 6, 1903.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

### VESSEL BETSEY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel brigantine *Betsy*, Thomas McCray, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the petition of C. E. Bishop, of San Diego, Cal., praying for the enactment of legislation to permit all paymasters' clerks to take the examination for the grade of assistant paymaster in the United States Navy; which was referred to the Committee on Naval Affairs.

He also presented the petition of Rev. L. W. Gade, pastor of the Christian Church of Industry, Ill., praying that he be considered a candidate for the position of Chaplain of the United States Senate; which was referred to the Committee on Rules.

He also presented a petition of the American Antisaloon League, of New York, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the United States Capitol building; which was referred to the Committee on Rules.

He also presented a petition of the national executive committee of the National German-American Alliance, praying for the appointment of an immigration commission and also that no further action be taken on the pending immigration bill; which was ordered to lie on the table.

Mr. PLATT of New York presented a petition of America Council, No. 67, Junior Order of United American Mechanics, of Brooklyn, N. Y., praying for the passage of the so-called immigration bill; which was ordered to lie on the table.

He also presented petitions of Car Painters' Local Union, No. 1, of Albany; of Broom Makers' Local Union, No. 14, of Amsterdam; of Brick Layers, Plasterers, and Stone Masons' Local Union, No. 39, of Rochester; of Local Union No. 24, of Batavia; of Laborers' Protective Union, No. 9572, of Ticonderoga; of the Central Trades and Labor Assembly of Elmira; of Local Union No. 620, of Troy; of Wood Workers' Local Union, No. 636, of Troy; of Local Union No. 74, of Rochester; of Pulp, Sulphite, and Paper Mill Workers' Local Union, No. 9, of Ticonderoga; of Coopers' International Union, No. 2, of New York City, and of the Hospital Nurses and Employees' Local Union, No. 10507, of Rochester, all of the American Federation of Labor, in the State of New York, praying for the passage of the so-called eight-hour bill; which were ordered to lie on the table.